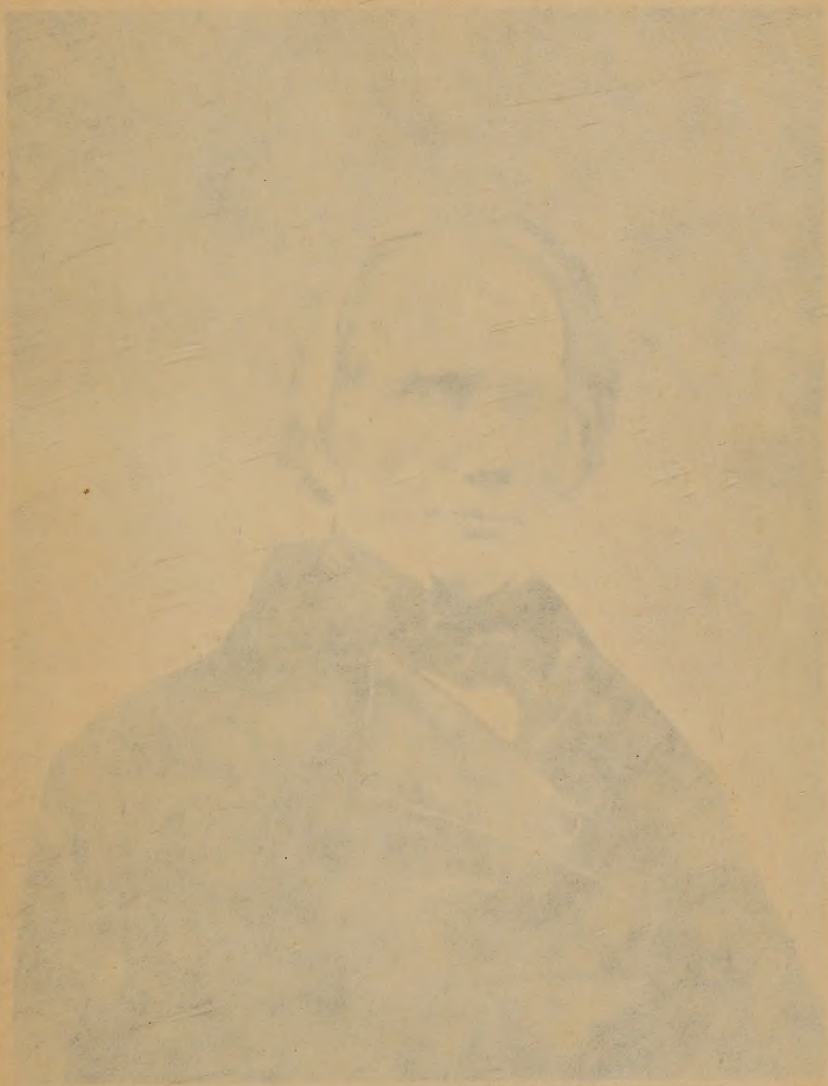

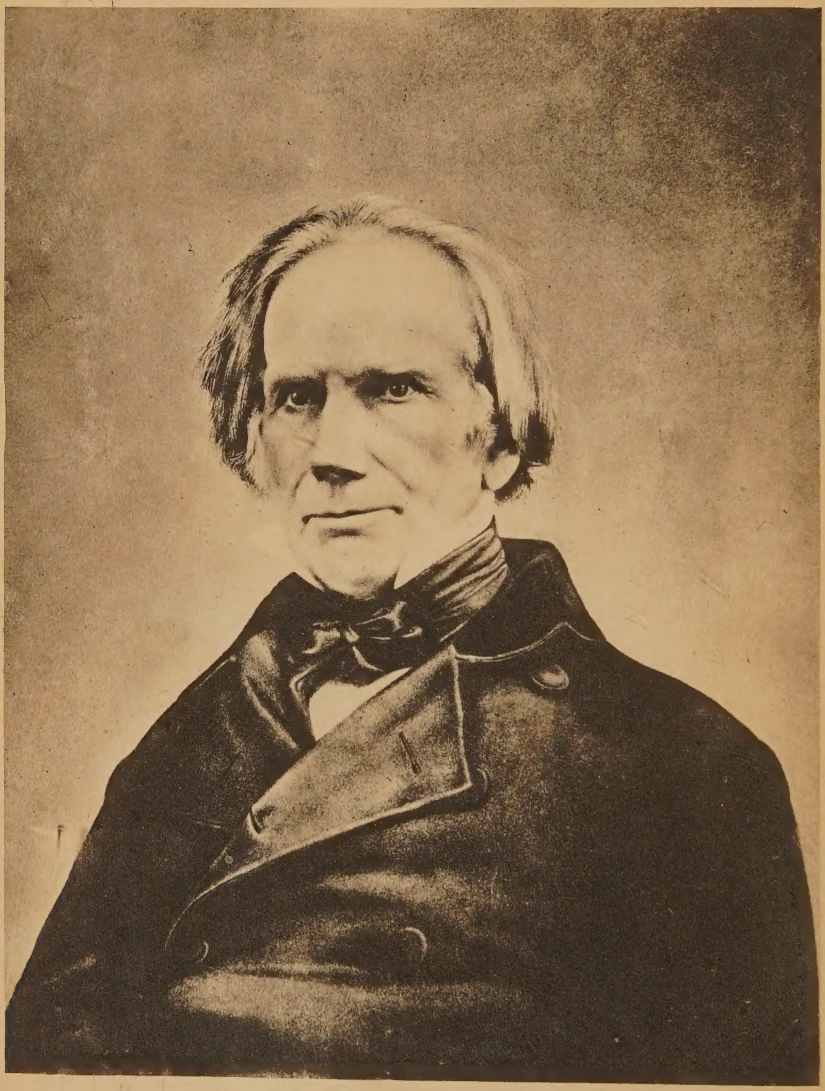

TEXT-BOOKS

OF THE

AMERICAN LYCEUM CIRCLE

THE

WORLD'S BEST ORATIONS

FROM THE

EARLIEST PERIOD TO THE PRESENT TIME

DAVID J. BREWER
EDITOR

EDWARD A. ALLEN WILLIAM SCHUYLER
ASSOCIATE EDITORS

TEN VOLUMES

VOL. 4

ST. LOUIS

FERD. P. KAISER

1901

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HENRY CLAY

(1777–1852)

HENRY CLAY was born in Hanover County, Virginia, April 12th, 1777. He was called the "Mill Boy of the Slashes" by his political admirers, but he never really felt himself a member of the class at the South which produced Crockett in Tennessee and Lincoln in Kentucky. His family was poor and his early education was defective, but his reading in law and in general literature gave him the remarkable grasp of fact which co-operated with some undefined power of controlling language melodiously, to give him his great reputation as an orator. It has been said that his power as an orator lay so largely in the musical tones of his voice that his speeches are "not worth reading," but this is a radical mistake. A few of them are dull, and in none of them is there the systematic art which marshals every idea towards a final climax. Mr. Clay's climax is as apt to come in the middle of his speech as it is anywhere else; and after it is reached, it does strain the attention to go on following him through arguments on a lower plane than that to which he himself had elevated the mind. But when this is admitted, it still remains true that his best orations and hundreds of pages of others which are not his best easily command attention and excite warm admiration. He was greater as a statesman and political manager than he was as an orator, if oratory is to be judged by those severe classical standards of which he knew nothing. But he was eloquent by nature, a man of multitudinous ideas, of what Taine calls "thronging imaginations," with a poetical sense of the beautiful and with a musician's ear for the harmonies of language. The same training as a linguist which gave Erskine his sense of the order in language might have made Clay the greatest orator of modern times. If, as Macaulay and Choate agree, that honor belongs to Edmund Burke, it is nevertheless certain that Clay will always be studied and admired as one of the greatest of those great orators whose eloquence, if it did not give them a permanent supremacy in history, made them pre-eminent in their own generations, with an influence reaching far into the generations after them.

From the Compromise of 1850 until the close of the first two decades after the Civil War, it was not possible for justice to be done the fundamental idea Clay and Webster represented in their efforts

to maintain the Union without bloodshed. Perhaps it is not possible yet, but it is no longer possible to hear Webster called a traitor to liberty in New England, or Clay denounced as a coward at the South. Both believed that there was no necessity whatever for Americans to fight each other, and that every issue it was possible to imagine could be settled better by evolution and the slow processes of intellectual and moral development than it could possibly be by force. Both held to the doctrine of nonintervention and *laissez faire*, by which they meant that they were bound to trust the innate good in human nature to work out reforms and to insure continuous progress without violent attempts to accelerate it. This theory grew in popularity in England and America during the first quarter of the nineteenth century, but the Crimean War impaired its influence in England — while our own Civil War so weakened it that for nearly a generation it has been too much out of the public mind to be taken into general consideration as an explanation of the course followed by Clay and Webster in what have been denounced as their compromises of principle. In fact, compromise was with them a principle rather than a method. Those who hold that if the world is made freer it will become better; that they do most for progress who do most to keep the peace; that a policy of co-operation between neighboring States and countries without the "intervention" of one to correct the domestic abuses of the other, is the only mode of insuring evolutionary and steady development, necessarily believe in the continuous concessions which their theory forces, even when the question is not merely of the weakness but of the actual crimes of others beyond their jurisdiction.

The opponents of this idea in America asserted the jurisdiction of every man born into the world to interfere wherever wrong was perpetrated against weakness. "Are we not our brother's keeper?" they said, summing up their creed in the question.

The issue between two theories so antagonistic is not likely soon to be decided, but it must be understood before Clay's place in American history can be determined. From the time of the first Missouri Compromise, of which he has been called the chief designer, to the compromise tariff of 1833, and again up to the Compromise of 1850 and his death, Clay strove always to impress on the country his own governing idea that Americans of all sections were bound to tolerate each other in their mutual sins of ignorance, of lack of development, and of slowness to improve. Webster held with him, but in New England Webster was finally denounced as a renegade, and only a short time before the death of Clay, Mr. Jefferson Davis, listening to his pleas for the postponement of the crisis, concluded that it was cowardly for one generation to unload its responsibilities on the next, instead of meeting them at once.

It is seldom desirable to attempt a judgment of what events might have been had they been what they were not, but nothing which has occurred or is likely to occur can permanently obscure the fact that the great Americans who believed in the slow processes of growth were not mere cowards vacillating in the presence of every crisis, but were consistent followers of an ideal. Perhaps Clay was too consistent when his habit of compromising public questions led him to commit himself against himself in his presidential canvasses as he did when he lost the vote of New York and the Presidency by a partial recession from his position of resistance to war with Mexico. But it is hardly to be expected that a man who had in him so little of bitterness, so much of the genial, the tolerant, the charitable, as Clay had, could force any issue radically.

The ideas for which he stood as a constructive statesman were the use of all the powers of the Federal Government for internal improvements without being too strict in searching out constitutional objections; and after developing the internal trade of the country thus, to hold it against Europe, to give it commercial control of the hemisphere and, by excluding European products, to stimulate "competition in the home market." This he called "the American system," and his policy of supporting the South American countries against Europe seemed to him to be a part of it. He was, however, fundamentally opposed to coercive government where coercion could be avoided, and his denunciations of Andrew Jackson were the result of inherent intellectual tendencies, not of the mere prejudices created by rivalry. Clay believed in Republican institutions, but he believed government should be intrusted largely to those who shave regularly, bathe habitually, and do not ordinarily "expectorate" on the floor in public places. This made him the fit leader as it made him the idol of the "gentleman's party," and naturally enough it brought him into the strongest antagonism with Jackson who was accused by his enemies of smoking a corncob pipe, of sitting with his feet on the mantel, and of being a headstrong and violent advocate of the theory that "every one who did not interfere with his (Jackson's) own plans ought to be allowed the fullest liberty to interfere with those of other people." There was little of *laissez faire* in the policies of the man who hanged Arbuthnot and Ambruster first and considered the lawpoints involved afterwards. He came into collision with Clay as logically as he did with Calhoun and Webster. However else these three remarkable men differed, they agreed in detesting the theory of government which Jackson represented as a leader of what it is said Miss Nelly Custis once called the "dirty Democracy." It is fortunate for the reader that it is possible to see the element of humor in such antagonisms as this. Otherwise, such lives

as those of Clay and Webster, closing with the country on the verge of war and ending in what seemed complete failure, might seem sadder than they really were. For it is not yet demonstrated that they really did fail or that those who force radical issues to immediate settlement are more successful in improving the world than those who hold what Clay proclaimed and Webster practiced.

Clay entered national politics as United States Senator from Kentucky in 1806. After serving until 1807, he retired, and returned for another year of service in 1810. He was elected to the House of Representatives in 1811, and served, with an intermission of two years, until 1825. During twelve years of this period he was Speaker of the House. His candidacy for the Presidency in 1824 was followed by his acceptance of the Secretaryship of the State under John Quincy Adams and his long quarrel with Jackson, whose supporters accused him of a corrupt bargain with Adams, by which they alleged that their favorite was cheated out of the Presidency. From that period until his death Mr. Clay was charged with being, and probably was, continuously a candidate for the Presidency. In 1832, and again in 1844, he was the nominee of the Whig party, defeated, as some have said, by his own disposition to compromise, rather than by the inherent weakness of his party. He died in the city of Washington, June 29th, 1852, after being more enthusiastically admired in all sections of the Union than any other American had been since the time of Washington.

W. V. B.

DICTATORS IN AMERICAN POLITICS

(Denouncing Andrew Jackson, Delivered in the United States Senate on the Poindexter Resolution, April 30th, 1834)

NEVER, Mr. President, have I known or read of an administration which expires with so much agony, and so little composure and resignation, as that which now unfortunately has the control of public affairs in this country. It exhibits a state of mind, feverish, fretful, and fidgety, bounding recklessly from one desperate expedient to another, without any sober or settled purpose. Ever since the dog days of last summer, it has been making a succession of the most extravagant plunges, of which the extraordinary cabinet paper, a sort of appeal from a dissenting cabinet to the people, was the first; and the protest, a direct appeal from the Senate to the people, is the last and the worst.

A new philosophy has sprung up within a few years past, called Phrenology. There is, I believe, something in it, but not quite as much as its ardent followers proclaim. According to its doctrines, the leading passion, propensity, and characteristics of every man are developed in his physical conformation, chiefly in the structure of his head. Gall and Spurzheim, its founders, or most eminent propagators, being dead, I regret that neither of them can examine the head of our illustrious chief magistrate. But, if it could be surveyed by Dr. Caldwell, of Transylvania University, I am persuaded that he would find the organ of destructiveness prominently developed. Except an enormous fabric of executive power for himself, the President has built up nothing, constructed nothing, and will leave no enduring monument of his administration. He goes for destruction, universal destruction; and it seems to be his greatest ambition to efface and obliterate every trace of the wisdom of his predecessors. He has displayed this remarkable trait throughout his whole life, whether in private walks or in the public service. He signally and gloriously exhibited that peculiar organ when contending against the enemies of his country in the battle of New Orleans. For that brilliant exploit, no one has ever been more ready than myself to award him all due honor. At the head of our armies was his appropriate position, and most unfortunate for his fame was the day when he entered on the career of administration as the chief executive officer. He lives by excitement, perpetual, agitating excitement, and would die in a state of perfect repose and tranquillity. He has never been without some subject of attack, either in individuals, or in masses, or in institutions. I, myself, have been one of his favorites, and I do not know but that I have recently recommended myself to his special regard. During his administration this has been his constant course. The Indians and Indian policy, internal improvements, the colonial trade, the Supreme Court, Congress, the bank, have successively experienced the attacks of his haughty and imperious spirit. And if he tramples the bank in the dust, my word for it, we shall see him quickly in chase of some new subject of his vengeance. This is the genuine spirit of conquerors and of conquest. It is said by the biographer of Alexander the Great, that, after he had completed his Asiatic conquests, he seemed to sigh because there were no more worlds for him to subdue; and, finding himself without further employment for his valor or his

arms, he turned within himself to search the means to gratify his insatiable thirst of glory. What sort of conquest he achieved of himself, the same biographer tragically records.

Already has the President singled out and designated, in the Senate of the United States, the new object of his hostile pursuit; and the protest, which I am now to consider, is his declaration of war. What has provoked it? The Senate, a component part of the Congress of the United States, at its last adjournment left the Treasury of the United States in the safe custody of the persons and places assigned by law to keep it. Upon reassembling, it found the treasure removed; some of its guardians displaced; all, remaining, brought under the immediate control of the President's sole will; and the President having free and unobstructed access to the public money. The Senate believes that the purse of the nation is, by the Constitution and laws, intrusted to the exclusive legislative care of Congress. It has dared to avow and express this opinion, in a resolution adopted on the twenty-eighth of March last. That resolution was preceded by a debate of three months' duration, in the progress of which the able and zealous supporters of the Executive in the Senate were attentively heard. Every argument which their ample resources, or those of the members of the Executive, could supply was listened to with respect, and duly weighed. After full deliberation, the Senate expressed its conviction that the Executive had violated the Constitution and laws. It cautiously refrained, in the resolution, from all examination into the motives or intention of the Executive; it ascribed no bad ones to him; it restricted itself to a simple declaration of its solemn belief that the Constitution and laws had been violated. This is the extent of the offense of the Senate. This is what it has done to excite the Executive indignation and to bring upon it the infliction of a denunciatory protest.

The President comes down upon the Senate and demands that it record upon its journal this protest. He recommends no measure — no legislation whatever. He proposes no Executive proceeding on the part of the Senate. He requests the recording of his protest, and he requests nothing more nor less. The Senate has abstained from putting on its own record any vindication of the resolution of which the President complains. It has not asked of him to place it, where he says he has put his protest, in the archives of the Executive. He desires, therefore,

to be done for him, on the journal of the Senate, what has not been done for itself. The Senate keeps no recording office for protests, deeds, wills, or other instruments. The Constitution enjoins that "each House shall keep a journal of its proceedings." In conformity with this requirement, the Senate does keep a journal of its proceedings — not the proceedings of the Executive, or any other department of the government, except so far as they relate directly to the business of the Senate. The President sometimes professes to favor a strict construction of the Constitution, at least in regard to the powers of all the departments of the government other than that of which he is the chief. As to that, he is the greatest latitudinarian that has ever filled the office of President. Upon any fair construction of the Constitution, how can the Senate be called upon to record upon its journal any proceedings but its own? It is true that the ordinary messages of the President are usually inserted at large in the journal. Strictly speaking, it perhaps ought never to have been done; but they have been heretofore registered, because they relate to the general business of the Senate, either in its legislative or executive character, and have been the basis of subsequent proceedings. The protest stands upon totally distinct ground.

The President professes to consider himself as charged by the resolution with "the high crime of violating the laws and Constitution of my country." He declares that "one of the most important branches of the Government, in its official capacity, in a public manner, and by its recorded sentence, but without precedent, competent authority, or just cause, declares him guilty of a breach of the laws and Constitution." The protest further alleges that such an act as the Constitution describes "constitutes a high crime,— one of the highest, indeed, which the President can commit,— a crime which justly exposes him to an impeachment by the House of Representatives; and, upon due conviction, to removal from office, and to the complete and immutable disfranchisement prescribed by the Constitution." It also asserts: "The resolution, then, was an impeachment of the President, and in its passage amounts to a declaration by a majority of the Senate, that he is guilty of an impeachable offense." The President is also of opinion that to say that the resolution does not expressly allege that the assumption of power and authority which it condemns was intentional and corrupt, is

no answer to the preceding view of its character and effect. The act thus condemned necessarily implies volition and design in the individual to whom it is imputed; and, being lawful in its character, the legal conclusion is, that it was prompted by improper motives and committed with an unlawful intent." . . . "The President of the United States, therefore, has been, by a majority of his constitutional triers, accused and found guilty of an impeachable offense."

Such are the deliberate views, entertained by the President, of the implications, effects, and consequences of the resolution. It is scarcely necessary to say that they are totally different from any which were entertained by the Senate, or by the mover of the resolution. The Senate carefully abstained from looking into the *quo animo*, from all examination into the motives or intention with which the violation of the Constitution and laws was made. No one knows those motives and intentions better than the President himself. If he chooses to supply the omission of the resolution, if he thinks proper to pronounce his own self-condemnation, his guilt does not flow from what the Senate has done, but from his own avowal. Having cautiously avoided passing upon his guilt by prejudgment, so neither ought his acquittal to be pronounced by anticipation.

But, I would ask, in what tone, temper, and spirit does the President come to the Senate? As a great State culprit who has been arraigned at the bar of justice, or sentenced as guilty? Does he manifest any of those compunctious visitings of conscience which a guilty violator of the constitution and laws of the land ought to feel? Does he address himself to a high court with the respect, to say nothing of humility, which a person accused or convicted would naturally feel? No, no. He comes as if the Senate were guilty, as if he were in the judgment seat, and the Senate stood accused before him. He arraigns the Senate; puts it upon trial; condemns it; he comes as if he felt himself elevated far above the Senate, and beyond all reach of the law, surrounded by unapproachable impunity. He who professes to be an innocent and injured man gravely accuses the Senate, and modestly asks it to put upon its own record his sentence of condemnation! When before did the arraigned or convicted party demand of the court which was to try, or had condemned him, to enter upon their records a severe denunciation of their own conduct? The President presents himself

before the Senate, not in the garb of suffering innocence, but in imperial and royal costume — as a dictator, to rebuke a refractory Senate; to command it to record his solemn protest; to chastise it for disobedience.

> "The hearts of princes kiss obedience,
> So much they love it; but to stubborn spirits
> They swell, and grow as terrible as storms."

We shall better comprehend the nature of the request which the President has made of the Senate, by referring to his own opinions expressed in the protest. He says that the resolution is a recorded sentence, "but without precedent, just cause, or competent authority." He "is perfectly convinced that the discussion and passage of the above-mentioned resolutions were not only unauthorized by the Constitution, but in many respects repugnant to its provisions, and subversive of the rights secured by it to other co-ordinate departments." We had no right, it seems, then, even to discuss, much less express any opinion, on the President's proceedings encroaching upon our constitutional powers. And what right had the President to look at all into our discussions? What becomes of the constitutional provision which, speaking of Congress, declares, "for any speech or debate in either house, they shall not be questioned in any other place"?

The President thinks "the resolution of the Senate is wholly unauthorized by the Constitution, and in derogation of its entire spirit." He proclaims that the passage, recording, and promulgation of the resolution affixes guilt and disgrace to the President, "in a manner unauthorized by the Constitution." But, says the President, if the Senate had just cause to entertain the belief that the House of Representatives would not impeach him, that cannot justify "the assumption by the Senate of powers not conferred by the Constitution." The protest continues: "It is only necessary to look at the condition in which the Senate and the President have been placed by this proceeding, to perceive its utter incompatibility with the provisions and the spirit of the Constitution, and with the plainest dictates of humanity and justice." A majority of the Senate assume the function which belongs to the House of Representatives, and "convert themselves into accusers, witnesses, counsel, and judges, and prejudge the whole case." If the House of Representatives shall consider

that there is no cause of impeachment, and prefer none, "then will the violation of privilege as it respects that House, of justice as it regards the President, and of the Constitution as it relates to both, be more conspicuous and impressive." The Senate is charged with the "unconstitutional power of arraigning and censuring the official conduct of the Executive." The people, says the protest, will be compelled to adopt the conclusion, "either that the Chief Magistrate was unworthy of their respect, or that the Senate was chargeable with calumny and injustice." There can be no doubt which branch of this alternative was intended to be applied. The President throughout the protest labors to prove himself worthy of all respect from the people. Finally, the President says: "It is due to the high trust with which I have been charged, to those who may be called to succeed me in it, to the representatives of the people whose constitutional prerogative has been unlawfully assumed, to the people and to the States, and to the Constitution they have established, that I should not permit its provisions to be broken down by such an attack on the Executive department, without at least some effort 'to preserve, protect, and defend them.'"

These are the opinions which the President expresses in the protest, of the conduct of the Senate. In every form, and every variety of expression, he accuses it of violating the express language and spirit of the Constitution; of encroaching not only on his prerogatives, but those of the House of Representatives; of forgetting the sacred character and impartiality which belong to the highest court of justice in the Union; of injustice, of inhumanity, and of calumny. And we are politely requested to spread upon our own journal these opinions entertained of us by the President, that they may be perpetually preserved and handed down to posterity! The President respectfully requests it! He might as well have come to us and respectfully requested us to allow him to pull our noses, or kick us, or receive his stripes upon our backs. The degradation would not have been much more humiliating.

The President tells us, in the same protest, that any breach or violation of the Constitution and laws draws after it, and necessarily implies, volition and design, and that the legal conclusion is that it was prompted by improper motives and committed with an unlawful intent. He pronounces, therefore, that the Senate, in the violations of the Constitution which he deliberately

imputes to it, is guilty; that volition and design, on the part of the Senate, are necessarily implied; and that the legal conclusion is that the Senate was prompted by improper motives, and committed the violation with an unlawful intent. And he most respectfully and kindly solicits the Senate to overleap the restraint of the Constitution, which limits its journal to the record of its own proceedings, and place alongside of them his sentence of condemnation of the Senate.

That the President did not intend to make the journal of the Senate a medium of conveying his sentiments to the people is manifest. He knows perfectly well how to address to them his appeals. And the remarkable fact is established, by his private secretary, that, simultaneously with the transmission to the Senate of his protest, a duplicate was transmitted to the Globe, his official paper, for publication; and it was forthwith published accordingly. For what purpose, then, was it sent here? It is painful to avow the belief, but one is compelled to think it was only sent in a spirit of insult and defiance.

The President is not content with vindicating his own rights. He steps forward to maintain the privileges of the House of Representatives also. Why? Was it to make the House his ally, and to excite its indignation against the offending Senate? Is not the House perfectly competent to sustain its own privileges against every assault? I should like to see, sir, a resolution introduced into the House, alleging a breach of its privileges by a resolution of the Senate, which was intended to maintain unviolated the constitutional rights of both houses in regard to the public purse, and to be present at its discussion.

The President exhibits great irritation and impatience at the presumptuousness of a resolution, which, without the imputation of any bad intention or design, ventures to allege that he has violated the Constitution and Laws. His constitutional and official infallibility must not be questioned. To controvert it is an act of injustice, inhumanity, and calumny. He is treated as a criminal, and, without summons, he is prejudged, condemned, and sentenced. Is the President scrupulously careful of the memory of the dead, or the feelings of the living, in respect to violations of the Constitution? If a violation by him implies criminal guilt, a violation by them cannot be innocent and guiltless. And how has the President treated the memory of the immortal Father of his Country? that great man, who, for purity of pur-

pose and character, wisdom and moderation, unsullied virtue and unsurpassed patriotism, is without competition in past history or among living men, and whose equal we scarcely dare hope will ever be again presented as a blessing to mankind. How has he been treated by the President? Has he not again and again pronounced that, by approving the bill chartering the first Bank of the United States, Washington violated the Constitution of his country? That violation, according to the President, included volition and design, was prompted by improper motives, and was committed with an unlawful intent. It was the more inexcusable in Washington, because he assisted and presided in the convention which formed the Constitution. If it be unjust to arraign, try unheard, and condemn as guilty, a living man filling an exalted office, with all the splendor, power, and influence which that office possesses, how much more cruel is it to disturb the sacred and venerated ashes of the illustrious dead, who can raise no voice and make no protests against the imputation of high crime!

What has been the treatment of the President towards that other illustrious man, yet spared to us, but who is lingering upon the very verge of eternity? Has he abstained from charging the Father of the Constitution with criminal intent in violating the Constitution? Mr. Madison, like Washington, assisted in the formation of the Constitution; was one of its ablest expounders and advocates; and was opposed, on constitutional ground, to the first Bank of the United States. But, yielding to the force of circumstances, and especially to the great principle, that the peace and stability of human society require that a controverted question, which has been finally settled by all the departments of Government by long acquiescence, and by the people themselves, should not be open to perpetual dispute and disturbance, he approved the bill chartering the present Bank of the United States. Even the name of James Madison, which is but another for purity, patriotism, profound learning, and enlightened experience, cannot escape the imputations of his present successor.

And, lastly, how often has he charged Congress itself with open violations of the Constitution? Times almost without number. During the present session he has sent in a message, in regard to the land bill, in which he has charged it with an undisguised violation. A violation so palpable, that it is not even

disguised, and must, therefore, necessarily imply a criminal intent. Sir, the advisers of the President, whoever they are, deceive him and themselves. They have vainly supposed that, by an appeal to the people, and an exhibition of the wounds of the President, they could enlist the sympathies and the commiseration of the people — that the name of Andrew Jackson would bear down the Senate and all opposition. They have yet to learn, what they will soon learn, that even a good and responsible name may be used so frequently, as an indorser, that its credit and the public confidence in its solidity have been seriously impaired. They mistake the intelligence of the people, who are not prepared to see and sanction the President putting forth indiscriminate charges of a violation of the Constitution against whomsoever he pleases, and exhibiting unmeasured rage and indignation, when his own infallibility is dared to be questioned.

ON THE EXPUNGING RESOLUTIONS

(Peroration of the Speech of January 16th, 1837, Delivered in the United States Senate Against Andrew Jackson)

Mr. President: —

WHAT patriotic purpose is to be accomplished by this Expunging resolution? What new honor or fresh laurels will it win for our common country? Is the power of the Senate so vast that it ought to be circumscribed, and that of the President so restricted that it ought to be extended? What power has the Senate? None, separately. It can only act jointly with the other House, or jointly with the Executive. And although the theory of the Constitution supposes, when consulted by him, it may freely give an affirmative or negative response, according to the practice, as it now exists, it has lost the faculty of pronouncing the negative monosyllable. When the Senate expresses its deliberate judgment, in the form of resolution, that resolution has no compulsory force, but appeals only to the dispassionate intelligence, the calm reason, and the sober judgment, of the community. The Senate has no army, no navy, no patronage, no lucrative offices, no glittering honors, to bestow. Around us there is no swarm of greedy expectants, rendering us homage, anticipating our wishes, and ready to execute our commands.

How is it with the President? Is he powerless? He is felt from one extremity to the other of this vast republic. By means of principles which he has introduced, and innovations which he has made in our institutions, alas! but too much countenanced by Congress and a confiding people, he exercises, uncontrolled, the power of the State. In one hand he holds the purse, and in the other brandishes the sword of the country. Myriads of dependants and partisans, scattered over the land, are ever ready to sing hosannas to him, and to laud to the skies whatever he does. He has swept over the Government, during the last eight years, like a tropical tornado. Every department exhibits traces of the ravages of the storm. Take as one example the Bank of the United States. No institution could have been more popular with the people, with Congress, and with State Legislatures. None ever better fulfilled the great purposes of its establishment. But it unfortunately incurred the displeasure of the President; he spoke, and the bank lies prostrate. And those who were loudest in its praise are now loudest in its condemnation. What object of his ambition is unsatisfied? When disabled from age any longer to hold the sceptre of power, he designates his successor, and transmits it to his favorite! What more does he want? Must we blot, deface, and mutilate the records of the country, to punish the presumptuousness of expressing an opinion contrary to his own?

What patriotic purpose is to be accomplished by this Expunging resolution? Can you make that not to be which has been? Can you eradicate from memory and from history the fact that in March 1834 a majority of the Senate of the United States passed the resolution which excites your enmity? Is it your vain and wicked object to arrogate to yourselves that power of annihilating the past which has been denied to Omnipotence itself? Do you intend to thrust your hands into our hearts, and to pluck out the deeply rooted convictions which are there? Or is it your design merely to stigmatize us? You cannot stigmatize us.

"Ne'er yet did base dishonor blur our name."

Standing securely upon our conscious rectitude, and bearing aloft the shield of the Constitution of our country, your puny efforts are impotent; and we defy all your power. Put the majority of 1834 in one scale, and that by which this Expunging

resolution is to be carried in the other, and let truth and justice, in heaven above and on earth below, and liberty and patriotism, decide the preponderance.

What patriotic purpose is to be accomplished by this Expunging resolution? Is it to appease the wrath and to heal the wounded pride of the Chief Magistrate? If he be really the hero that his friends represent him, he must despise all mean condescension, all groveling sycophancy, all self-degradation and self-abasement. He would reject, with scorn and contempt, as unworthy of his fame, your black scratches and your baby lines in the fair records of his country. Black lines! Black lines! Sir, I hope the Secretary of the Senate will preserve the pen with which he may inscribe them, and present it to that Senator of the majority whom he may select, as a proud trophy, to be transmitted to his descendants. And hereafter, when we shall lose the forms of our free institutions, all that now remain to us, some future American monarch, in gratitude to those by whose means he has been enabled, upon the ruins of civil liberty, to erect a throne, and to commemorate especially this Expunging resolution, may institute a new order of knighthood, and confer on it the appropriate name of "the Knights of the Black Lines."

But why should I detain the Senate, or needlessly waste my breath in fruitless exertions? The decree has gone forth. It is one of urgency, too. The deed is to be done—that foul deed which, like the blood, staining the hands of the guilty Macbeth, all ocean's waters will never wash out. Proceed, then, to the noble work which lies before you, and, like other skillful executioners, do it quickly. And when you have perpetrated it, go home to the people, and tell them what glorious honors you have achieved for our common country. Tell them that you have extinguished one of the brightest and purest lights that ever burned at the altar of civil liberty. Tell them that you have silenced one of the noblest batteries that ever thundered in defense of the Constitution, and bravely spiked the cannon. Tell them that, henceforward, no matter what daring or outrageous act any President may perform, you have forever hermetically sealed the mouth of the Senate. Tell them that he may fearlessly assume what powers he pleases, snatch from its lawful custody the public purse, command a military detachment to enter the halls of the Capitol, overawe Congress, trample down the Constitution, and raze every bulwark of freedom; but that the Senate must stand

mute, in silent submission, and not dare to raise its opposing voice. Tell them that it must wait until a House of Representatives, humbled and subdued like itself, and a majority of it composed of the partisans of the President, shall prefer articles of impeachment. Tell them, finally, that you have restored the glorious doctrine of passive obedience and nonresistance. And, if the people do not pour out their indignation and imprecations, I have yet to learn the character of American freemen.

ON THE SEMINOLE WAR

(From the Speech of January 19th, 1819, in the House of Representatives)

If my recollection does not deceive me, Bonaparte had passed the Rhine and the Alps, had conquered Italy, the Netherlands, Holland, Hanover, Lubec, and Hamburg, and extended his empire as far as Altona, on the side of Denmark. A few days' march would have carried him through Holstein, over the two Belts, through Funen, and into the island of Zealand. What, then, was the conduct of England? It was my lot to fall into conversation with an intelligent Englishman on this subject. "We knew [said he] that we were fighting for our existence. It was absolutely necessary that we should preserve the command of the seas. If the fleet of Denmark fell into the enemy's hands, combined with his other fleets, that command might be rendered doubtful. Denmark had only a nominal independence. She was, in truth, subject to his sway. We said to her, Give us your fleet; it will otherwise be taken possession of by your secret and our open enemy. We will preserve it and restore it to you whenever the danger shall be over. Denmark refused. Copenhagen was bombarded, and gallantly defended, but the fleet was seized." Everywhere the conduct of England was censured; and the name even of the negotiator who was employed by her, who was subsequently the minister near this Government, was scarcely ever pronounced here without coupling with it an epithet indicating his participation in the disgraceful transaction. And yet we are going to sanction acts of violence, committed by ourselves, which but too much resemble it! What an important difference, too, between the relative condition of England and of this country! She, perhaps, was struggling for her existence. She was combating, single-handed, the most enormous military

power that the world has ever known. With whom were we contending? With a few half-starved, half-clothed, wretched Indians and fugitive slaves. And while carrying on this inglorious war, inglorious as it regards the laurels or renown won in it, we violate neutral rights, which the government had solemnly pledged itself to respect, upon the principle of convenience, or upon the light presumption that, by possibility, a post might be taken by this miserable combination of Indians and slaves.

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I will not trespass much longer upon the time of the committee; but I trust I shall be indulged with some few reflections upon the danger of permitting the conduct on which it has been my painful duty to animadvert, to pass without the solemn expression of the disapprobation of this House. Recall to your recollection the free nations which have gone before us. Where are they now?

> "Gone glimmering through the dream of things that were,
> A schoolboy's tale, the wonder of an hour."

And how have they lost their liberties? If we could transport ourselves back to the ages when Greece and Rome flourished in their greatest prosperity, and, mingling in the throng, should ask a Grecian if he did not fear that some daring military chieftain, covered with glory, some Philip or Alexander, would one day overthrow the liberties of his country, the confident and indignant Grecian would exclaim, No! no! we have nothing to fear from our heroes; our liberties will be eternal. If a Roman citizen had been asked if he did not fear that the conqueror of Gaul might establish a throne upon the ruins of public liberty, he would have instantly repelled the unjust insinuation. Yet Greece fell; Cæsar passed the Rubicon, and the patriotic arm even of Brutus could not preserve the liberties of his devoted country! The celebrated Madame de Staël, in her last and perhaps her best work, has said, that in the very year, almost the very month, when the president of the Directory declared that monarchy would never more show its frightful head in France, Bonaparte, with his grenadiers, entered the palace of St. Cloud, and dispersing with the bayonet the deputies of the people deliberating on the affairs of the State, laid the foundation of that vast fabric of despotism which overshadowed all Europe. I hope not to be misunderstood; I am far from intimating that General Jackson cherishes

any designs inimical to the liberties of the country. I believe his intentions to be pure and patriotic. I thank God that he would not, but I thank him still more that he could not if he would, overturn the liberties of the Republic. But precedents, if bad, are fraught with the most dangerous consequences. Man has been described, by some of those who have treated of his nature, as a bundle of habits. The definition is much truer when applied to governments. Precedents are their habits. There is one important difference between the formation of habits by an individual and by governments. He contracts only after frequent repetition. A single instance fixes the habit and determines the direction of governments. Against the alarming doctrine of unlimited discretion in our military commanders when applied even to prisoners of war, I must enter my protest. It begins upon them; it will end on us. I hope our happy form of government is to be perpetual. But, if it is to be preserved, it must be by the practice of virtue, by justice, by moderation, by magnanimity, by greatness of soul, by keeping a watchful and steady eye on the executive; and, above all, by holding to a strict accountability the military branch of the public force.

We are fighting a great moral battle for the benefit not only of our country, but of all mankind. The eyes of the whole world are in fixed attention upon us. One, and the largest portion of it, is gazing with contempt, with jealousy, and with envy; the other portion, with hope, with confidence, and with affection. Everywhere the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the west, to enlighten and animate and gladden the human heart. Obscure that by the downfall of liberty here, and all mankind are enshrouded in a pall of universal darkness. To you, Mr. Chairman, belongs the high privilege of transmitting, unimpaired, to posterity the fair character and liberty of our country. Do you expect to execute this high trust by trampling, or suffering to be trampled down, law, justice, the Constitution, and the rights of the people? by exhibiting examples of inhumanity and cruelty and ambition? When the minions of despotism heard, in Europe, of the seizure of Pensacola, how did they chuckle, and chide the admirers of our institutions, tauntingly pointing to the demonstration of a spirit of injustice and aggrandizement made by our country, in the midst of an amicable negotiation! Behold, said they, the conduct of those

who are constantly reproaching kings! You saw how those admirers were astounded and hung their heads. You saw, too, when that illustrious man, who presides over us, adopted his pacific, moderate, and just course, how they once more lifted up their heads with exultation and delight beaming in their countenances. And you saw how those minions themselves were finally compelled to unite in the general praises bestowed upon our government. Beware how you forfeit this exalted character. Beware how you give a fatal sanction, in this infant period of our Republic, scarcely yet two-score years old, to military insubordination. Remember that Greece had her Alexander, Rome her Cæsar, England her Cromwell, France her Bonaparte, and that if we would escape the rock on which they split we must avoid their errors.

How different has been the treatment of General Jackson and that modest, but heroic young man, a native of one of the smallest States in the Union, who achieved for his country, on Lake Erie, one of the most glorious victories of the late war. In a moment of passion he forgot himself and offered an act of violence which was repented of as soon as perpetrated. He was tried, and suffered the judgment to be pronounced by his peers. Public justice was thought not even then to be satisfied. The press and Congress took up the subject. My honorable friend from Virginia, Mr. Johnson, the faithful and consistent sentinel of the law and of the Constitution, disapproved in that instance, as he does in this, and moved an inquiry. The public mind remained agitated and unappeased until the recent atonement so honorably made by the gallant commodore. And is there to be a distinction between the officers of the two branches of the public service? Are former services, however eminent, to preclude even inquiry into recent misconduct? Is there to be no limit, no prudential bounds to the national gratitude? I am not disposed to censure the President for not ordering a court of inquiry, or a general court-martial. Perhaps, impelled by a sense of gratitude, he determined, by anticipation, to extend to the general that pardon which he had the undoubted right to grant after sentence. Let us not shrink from our duty. Let us assert our constitutional powers, and vindicate the instrument from military violation.

I hope gentlemen will deliberately survey the awful isthmus on which we stand. They may bear down all opposition; they

may even vote the general the public thanks; they may carry him triumphantly through this House. But, if they do, in my humble judgment, it will be a triumph of the principle of insubordination, a triumph of the military over the civil authority, a triumph over the powers of this House, a triumph over the Constitution of the land. And I pray most devoutly to Heaven that it may not prove, in its ultimate effects and consequences, a triumph over the liberties of the people.

THE EMANCIPATION OF SOUTH AMERICA

(From the Speech Delivered March 24th, 1818, in the House of Representatives)

I RISE under feelings of deeper regret than I have ever experienced on any former occasion, inspired principally by the consideration that I find myself, on the proposition which I meant to submit, differing from many highly esteemed friends, in and out of this House, for whose judgment I entertained the greatest respect. A knowledge of this circumstance has induced me to pause; to subject my own convictions to the severest scrutiny, and to revolve the question over and over again. But all my reflections have conducted me to the same clear result; and, much as I value those friends, great as my deference is for their opinions, I cannot hesitate, when reduced to the distressing alternative of conforming my judgment to theirs, or pursuing the deliberate and mature dictates of my own mind. I enjoy some consolation for the want of their co-operation, from the persuasion that, if I err on this occasion, I err on the side of the liberty and happiness of a large portion of the human family. Another, and, if possible, indeed a greater source of the regret to which I refer is the utter incompetency which I unfeignedly feel to do anything like adequate justice to the great cause of American independence and freedom, whose interests I wish to promote by my humble exertions in this instance. Exhausted and worn down as I am, by the fatigue, confinement, and incessant application incident to the arduous duties of the honorable station I hold, during a four months' session, I shall need all that kind indulgence which has been so often extended to me by the House.

I beg, in the first place, to correct misconceptions, if any exist, in regard to my opinions. I am averse to war with Spain,

or with any power. I would give no just cause of war to any power — not to Spain herself. I have seen enough of war, and of its calamities, even when successful. No country on earth has more interest than this in cultivating peace and avoiding war, as long as it is possible honorably to avoid it. Gaining additional strength every day; our numbers doubling in periods of twenty-five years; with an income outstripping all our estimates, and so great, as, after a war in some respects disastrous, to furnish results which carry astonishment, if not dismay, into the bosom of States jealous of our rising importance; we have every motive for the love of peace. I cannot, however, approve in all respects of the manner in which our negotiations with Spain have been conducted. If ever a favorable time existed for the demand, on the part of an injured nation, of indemnity for past wrongs from the aggressor, such is the present time. Impoverished and exhausted at home, by the wars which have desolated the peninsula; with a foreign war, calling for infinitely more resources, in men and money, than she can possibly command; this is the auspicious period for insisting upon justice at her hands in a firm and decided tone. Time is precisely what Spain now wants. Yet what are we told by the President, in his message at the commencement of Congress? That Spain has procrastinated, and we acquiesced in her procrastination. And the Secretary of State, in a late communication with Mr. Onis, after ably vindicating all our rights, tells the Spanish minister, with a good deal of sang-froid, that we had patiently waited thirteen years for a redress of our injuries, and that it required no great effort to wait longer. I would have abstained from thus exposing our intentions. Avoiding the use of the language of menace, I would have required, in temperate and decided terms, indemnity for all our wrongs; for the spoliations of our commerce; for the interruption for the right of depot at New Orleans, guaranteed by treaty; for the insults repeatedly offered to our flag; for the Indian hostilities, which she was bound to prevent; for belligerent use of her ports and territories by our enemy during the late war; and the instantaneous liberation of the free citizens of the United States, now imprisoned in her jails. Contemporaneously with that demand, without waiting for her final answer, and with a view to the favorable operation on her councils in regard to our own peculiar interests, as well as in justice to the cause itself, I would recognize any established government in Spanish

America. I would have left Spain to draw her own inferences from these proceedings as to the ultimate step which this country might adopt if she longer withheld justice from us. And if she persevered in her iniquity, after we had conducted the negotiation in the manner I have endeavored to describe, I would then take up and decide the solemn question of peace or war, with the advantage of all the light shed upon it, by subsequent events, and the probable conduct of Europe.

Spain has undoubtedly given us abundant and just cause for war. But it is not every cause of war that should lead to war. War is one of those dreadful scourges that so shakes the foundation of society, overturns or changes the character of governments, interrupts or destroys the pursuits of private happiness, brings, in short, misery and wretchedness in so many forms, and at last is, in its issue, so doubtful and hazardous, that nothing but dire necessity can justify an appeal to arms. If we are to have war with Spain, I have, however, no hesitation in saying that no mode of bringing it about could be less fortunate than that of seizing, at this time, upon her adjoining province. There was a time, under certain circumstances, when we might have occupied East Florida with safety; had we then taken it, our posture in the negotiation with Spain would have been totally different from what it is. But we have permitted that time, not with my consent, to pass by unimproved. If we were now to seize upon Florida, after a great change in those circumstances, and after declaring our intention to acquiesce in the procrastination desired by Spain, in what light should we be viewed by foreign powers, particularly Great Britain? We have already been accused of inordinate ambition, and of seeking to aggrandize ourselves by an extension, on all sides, of our limits. Should we not, by such an act of violence, give color to the accusation? No, Mr. Chairman; if we are to be involved in a war with Spain, let us have the credit of disinterestedness. Let us put her yet more in the wrong. Let us command the respect which is never withheld from those who act a noble and generous part. I hope to communicate to the committee the conviction which I so strongly feel, that the adoption of the amendment which I intend to propose would not hazard, in the slightest degree, the peace of the country. But if that peace is to be endangered, I would infinitely rather it should be for our exerting the right appertaining to every State, of acknowledging the independence

of another State, than for the seizure of a province, which, sooner or later, we must acquire.

In contemplating the great struggle in which Spanish America is now engaged, our attention is fixed first by the immensity and character of the country which Spain seeks again to subjugate. Stretching on the Pacific Ocean from about the fortieth degree of north latitude to about the fifty-fifth degree of south latitude, and extending from the mouth of the Rio del Norte (exclusive of East Florida), around the Gulf of Mexico and along the South Atlantic to near Cape Horn, it is about five thousand miles in length, and in some places nearly three thousand in breadth. Within this vast region we behold the most sublime and interesting objects of creation, the richest mines of the precious metals, and the choicest productions of the earth. We behold there a spectacle still more interesting and sublime — the glorious spectacle of eighteen millions of people struggling to burst their chains and to be free. When we take a little nearer and more detailed view, we perceive that nature has, as it were, ordained that this people and this country shall ultimately constitute several different nations. Leaving the United States on the north, we come to New Spain, or the viceroyalty of Mexico on the south; passing by Guatemala, we reach the viceroyalty of New Grenada, the late captain-generalship of Venezuela, and Guiana, lying on the east side of the Andes. Stepping over the Brazils, we arrive at the united provinces of La Plata, and crossing the Andes we find Chili on their west side, and, further north, the viceroyalty of Lima, or Peru. Each of these several parts is sufficient in itself in point of limits to constitute a powerful state; and, in point of population, that which has the smallest contains enough to make it respectable. Throughout all the extent of that great portion of the world which I have attempted thus hastily to describe, the spirit of revolt against the dominion of Spain has manifested itself. The revolution has been attended with various degrees of success in the several parts of Spanish America. In some it has been already crowned, as I shall endeavor to show, with complete success, and in all I am persuaded that independence has struck such deep root, that the power of Spain can never eradicate it. What are the causes of this great movement?

Three hundred years ago, upon the ruins of the thrones of Montezuma and the Incas of Peru, Spain erected the most

stupendous system of colonial despotism that the world has ever seen — the most vigorous, the most exclusive. The great principle and object of this system have been to render one of the largest portions of the world exclusively subservient, in all its faculties, to the interests of an inconsiderable spot in Europe. To effectuate this aim of her policy, she locked up Spanish America from all the rest of the world, and prohibited, under the severest penalties, any foreigner from entering any part of it. To keep the natives themselves ignorant of each other, and of the strength and resources of the several parts of her American possessions, she next prohibited the inhabitants of one viceroyalty or government from visiting those of another; so that the inhabitants of Mexico, for example, were not allowed to enter the viceroyalty of New Grenada. The agriculture of those vast regions was so regulated and restrained as to prevent all collision with the agriculture of the peninsula. Where nature, by the character and composition of the soil, has commanded, the abominable system of Spain has forbidden, the growth of certain articles. Thus the olive and the vine, to which Spanish America is so well adapted, are prohibited, wherever their culture can interfere with the olive and the vine of the peninsula. The commerce of the country, in the direction and objects of the exports and imports, is also subjected to the narrow and selfish views of Spain, and fettered by the odious spirit of monopoly, existing in Cadiz. She has sought, by scattering discord among the several castes of her American population, and by a debasing course of education, to perpetuate her oppression. Whatever concerns public law, or the science of government, all writings upon political economy, or that tend to give vigor and freedom and expansion to the intellect, are prohibited. Gentlemen would be astonished by the long list of distinguished authors, whom she proscribes, to be found in Depon's and other works. A main feature in her policy is that which constantly elevates the European and depresses the American character. Out of upwards of seven hundred and fifty viceroys and captains-general, whom she has appointed since the conquest of America, about eighteen only have been from the body of her American population. On all occasions, she seeks to raise and promote her European subjects, and to degrade and humiliate the Creoles. Wherever in America her sway extends, everything seems to pine and wither beneath its baneful influence. The richest regions of the earth; man,

his happiness and his education, all the fine faculties of his soul, are regulated and modified and molded to suit the execrable purposes of an inexorable despotism.

Such is the brief and imperfect picture of the state of things in Spanish America, in 1808, when the famous transactions of Bayonne occurred. The King of Spain and the Indies (for Spanish America has always constituted an integral part of the Spanish empire) abdicated his throne and became a voluntary captive. Even at this day one does not know whether he should most condemn the baseness and perfidy of the one party, or despise the meanness and imbecility of the other. If the obligation of obedience and allegiance existed on the part of the colonies to the King of Spain, it was founded on the duty of protection which he owed them. By disqualifying himself for the performance of this duty, they became released from that obligation. The monarchy was dissolved, and each integral part had a right to seek its own happiness by the institution of any new government adapted to its wants. Joseph Bonaparte, the successor *de facto* of Ferdinand, recognized this right on the part of the colonies, and recommended them to establish their independence. Thus, upon the ground of strict right; upon the footing of a mere legal question, governed by forensic rules, the colonies, being absolved by the acts of the parent country from the duty of subjection to it, had an indisputable right to set up for themselves. But I take a broader and a bolder position. I maintain that an oppressed people are authorized, whenever they can, to rise and break their fetters. This was the great principle of the English revolution. It was the great principle of our own. Vattel, if authority were wanting, expressly supports this right. We must pass sentence of condemnation upon the founders of our liberty, say that they were rebels, traitors, and that we are at this moment legislating without competent powers, before we can condemn the cause of Spanish America. Our revolution was mainly directed against the mere theory of tyranny. We had suffered but comparatively little; we had, in some respects, been kindly treated; but our intrepid and intelligent fathers saw, in the usurpation of the power to levy an inconsiderable tax, the long train of oppressive acts that were to follow. They rose; they breasted the storm; they achieved our freedom. Spanish America for centuries has been doomed to the practical effects of an odious tyranny. If we were justified, she is more than justified.

I am no propagandist. I would not seek to force upon other nations our principles and our liberty, if they do not want them. I would not disturb the repose even of a detestable despotism. But, if an abused and oppressed people will their freedom; if they seek to establish it; we have a right, as a sovereign power, to notice the fact and to act as circumstances and our interest require. I will say, in the language of the venerated father of my country, "born in a land of liberty, my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom." Whenever I think of Spanish America, the image irresistibly forces itself upon my mind, of an elder brother, whose education has been neglected, whose person has been abused and maltreated, and who has been disinherited by the unkindness of an unnatural parent. And, when I contemplate the glorious struggle which that country is now making, I think I behold that brother rising, by the power and energy of his fine native genius, to the manly rank which nature, and nature's God, intended for him. . . .

In the establishment of the independence of Spanish America, the United States have the deepest interest. I have no hesitation in asserting my firm belief that there is no question in the foreign policy of this country, which has ever arisen, or which I can conceive as ever occurring, in the decision of which we have had or can have so much at stake. This interest concerns our politics, our commerce, our navigation. There cannot be a doubt that Spanish America, once independent, whatever may be the form of government established in its several parts, these governments will be animated by an American feeling, and guided by an American policy. They will obey the laws of the system of the new world, of which they will compose a part, in contradistinction to that of Europe. Without the influence of that vortex in Europe, the balance of power between its several parts, the preservation of which has so often drenched Europe in blood, America is sufficiently remote to contemplate the new wars which are to afflict that quarter of the globe, as a calm if not a cold and indifferent spectator. In relation to those wars, the several parts of America will generally stand neutral. And as, during the period when they rage, it will be important that a liberal system of neutrality should be adopted and observed, all America will be interested in maintaining and enforcing such a

system. The independence of Spanish America, then, is an interest of primary consideration. Next to that, and highly important in itself, is the consideration of the nature of their governments. That is a question, however, for themselves. They will, no doubt, adopt those kinds of governments which are best suited to their condition, best calculated for their happiness. Anxious as I am that they should be free governments, we have no right to prescribe for them. They are, and ought to be, the sole judges for themselves. I am strongly inclined to believe that they will in most, if not all parts of their country, establish free governments. We are their great example. Of us they constantly speak as of brothers, having a similar origin. They adopt our principles, copy our institutions, and, in many instances, employ the very language and sentiments of our revolutionary papers:

"Having then been thus impelled by the Spaniards and their king, we have calculated all the consequences, and have constituted ourselves independent, prepared to exercise the right of nature to defend ourselves against the ravages of tyranny, at the risk of our honor, our lives, and fortune. We have sworn to the only King we acknowledge, the supreme judge of the world, that we will not abandon the cause of justice; that we will not suffer the country which he has given us, to be buried in ruins, and inundated with blood, by the hands of the executioner, etc."

But it is sometimes said that they are too ignorant and too superstitious to admit of the existence of free government. This charge of ignorance is often urged by persons themselves actually ignorant of the real condition of that people. I deny the alleged fact of ignorance; I deny the inference from that fact, if it were true, that they want capacity for free government. And I refuse assent to the further conclusion if the fact were true, and the inference just, that we are to be indifferent to their fate. All the writers of the most established authority, Depons, Humboldt, and others, concur in assigning to the people of Spanish America great quickness, genius, and particular aptitude for the acquisition of the exact sciences, and others which they have been allowed to cultivate. In astronomy, geology, mineralogy, chemistry, botany, and so forth, they are allowed to make distinguished proficiency. They justly boast of their Abzate, Velasques, and Gama, and other illustrious contributors to science.

They have nine universities, and in the City of Mexico, it is affirmed by Humboldt, there are more solid scientific establishments than in any city even of North America. I would refer to the message of the supreme director of La Plata, which I shall hereafter have occasion to use for another purpose, as a model of fine composition of a State paper, challenging a comparison with any, the most celebrated, that ever issued from the pens of Jefferson or Madison. Gentlemen will egregiously err, if they form their opinions of the present condition of Spanish America from what it was under the debasing system of Spain. The eight years' revolution in which it has been engaged has already produced a powerful effect. Education has been attended to, and genius developed.

"As soon as the project of the revolution arose on the shores of the La Plata, genius and talent exhibited their influence; the capacity of the people became manifest, and the means of acquiring knowledge were soon made the favorite pursuit of the youth. As far as the wants or the inevitable interruption of affairs were allowed, everything has been done to disseminate useful information. The liberty of the press has indeed met with some occasional checks; but in Buenos Ayres alone, as many periodical works weekly issue from the press as in Spain and Portugal put together."

It is not therefore true, that the imputed ignorance exists; but, if it do, I repeat, I dispute the inference. It is the doctrine of thrones, that man is too ignorant to govern himself. Their partisans assert his incapacity, in reference to all nations; if they cannot command universal assent to the proposition, it is then demanded to particular nations; and our pride and our presumption too often make converts of us. I contend, that it is to arraign the dispositions of Providence himself, to suppose that he has created beings incapable of governing themselves, and to be trampled on by kings. Self-government is the natural government of man, and for proof I refer to the aborigines of our own land. Were I to speculate in hypotheses unfavorable to human liberty, my speculations should be founded rather upon the vices, refinements, or density of population. Crowded together in compact masses, even if they were philosophers, the contagion of the passions is communicated and caught, and the effect too often, I admit, is the overthrow of liberty. Dispersed over such an immense space as that on which the people of

Spanish America are spread, their physical, and I believe also their moral condition, both favor their liberty.

With regard to their superstition, they worship the same God with us. Their prayers are offered up in their temples to the same Redeemer whose intercession we expect to save us. Nor is there anything in the Catholic religion unfavorable to freedom. All religions united with government are more or less inimical to liberty. All, separated from government, are compatible with liberty. If the people of Spanish America have not already gone as far in religious toleration as we have, the difference in their condition from ours should not be forgotten. Everything is progressive; and, in time, I hope to see them imitating in this respect our example. But grant that the people of Spanish America are ignorant and incompetent for free government, to whom is that ignorance to be ascribed? Is it not to the execrable system of Spain, which she seeks again to establish and to perpetuate? So far from chilling our hearts, it ought to increase our solicitude for our unfortunate brethren. It ought to animate us to desire the redemption of the minds and the bodies of unborn millions from the brutifying effects of a system whose tendency is to stifle the faculties of the soul and to degrade man to the level of beasts. I would invoke the spirits of our departed fathers. Was it for yourselves only that you nobly fought? No, no! It was the chains that were forging for your posterity that made you fly to arms, and, scattering the elements of these chains to the winds, you transmitted to us the rich inheritance of liberty.

«THE AMERICAN SYSTEM» AND THE HOME MARKET

(Delivered in the United States Senate, February 2d, 1832—Given by Benton as an Unabridged Report)

EIGHT years ago it was my painful duty to present to the House of Congress an unexaggerated picture of the general distress pervading the whole land. We must all yet remember some of its frightful features. We all know that the people were then oppressed and borne down by an enormous load of debt; that the value of property was at the lowest point of depression; that ruinous sales and sacrifices were everywhere made of real estate; that stop laws and relief laws and paper

money were adopted to save the people from impending destruction; that a deficit in the public revenue existed, which compelled the Government to seize upon, and divert from its legitimate object, the appropriation to the sinking fund, to redeem the national debt; and that our commerce and navigation were threatened with a complete paralysis. In short, sir, if I were to select any term of seven years since the adoption of the present Constitution, which exhibited a scene of the most widespread dismay and desolation, it would be exactly that term of seven years which immediately preceded the establishment of the tariff of 1824.

I have now to perform the more pleasing task of exhibiting an imperfect sketch of the existing state of the unparalleled prosperity of the country. On a general survey, we behold cultivation extended, the arts flourishing, the face of the country improved, our people fully and profitably employed, and the public countenance exhibiting tranquillity, contentment, and happiness. And, if we descend into particulars, we have the agreeable contemplation of a people out of debt; land rising slowly in value, but in a secure and salutary degree; a ready, though not extravagant market for all the surplus productions of our industry; innumerable flocks and herds browsing and gamboling on ten thousand hills and plains, covered with rich and verdant grasses; our cities expanded, and whole villages springing up, as it were, by enchantment; our exports and imports increased and increasing; our tonnage, foreign and coastwise, swelling and fully occupied; the rivers of our interior animated by the perpetual thunder and lightning of countless steamboats; the currency sound and abundant; the public debt of two wars nearly redeemed; and, to crown all, the public treasury overflowing, embarrassing Congress, not to find subjects of taxation, but to select the objects which shall be liberated from the impost. If the term of seven years were to be selected of the greatest prosperity which this people have enjoyed since the establishment of their present Constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff of 1824.

This transformation of the condition of the country from gloom and distress to brightness and prosperity has been mainly the work of American legislation, fostering American industry, instead of allowing it to be controlled by foreign legislation, cher-

ishing foreign industry. The foes of the American system, in 1824, with great boldness and confidence, predicted: 1st. The ruin of the public revenue, and the creation of a necessity to resort to direct taxation. The gentleman from South Carolina [Mr. Hayne], I believe, thought that the tariff of 1824 would operate a reduction of revenue to the large amount of eight millions of dollars. 2d. The destruction of our navigation. 3d. The desolation of commercial cities. And 4th. The augmentation of the price of objects of consumption, and further decline in that of the articles of our exports. Every prediction which they made has failed — utterly failed. Instead of the ruin of the public revenue, with which they then sought to deter us from the adoption of the American system, we are now threatened with its subversion, by the vast amount of the public revenue produced by that system. Every branch of our navigation has increased. As to the desolation of our cities, let us take, as an example, the condition of the largest and most commercial of all of them, the great northern capital. I have in my hands the assessed value of real estate in the city of New York, from 1817 to 1831. This value is canvassed, contested, scrutinized, and adjudged, by the proper sworn authorities. It is, therefore, entitled to full credence. During the first term, commencing with 1817, and ending in the year of the passage of the tariff of 1824, the amount of the value of real estate was, the first year, $57,799,435, and, after various fluctuations in the intermediate period, it settled down at $52,019,730, exhibiting a decrease, in seven years, of $5,779,705. During the year 1825, after the passage of the tariff, it rose, and, gradually ascending throughout the whole of the latter period of seven years, it finally, in 1831, reached the astonishing height of $95,716,485! Now, if it be said that this rapid growth of the city of New York was the effect of foreign commerce, then it was not correctly predicted, in 1824, that the tariff would destroy foreign commerce and desolate our commercial cities. If, on the contrary, it be the effect of internal trade, then internal trade cannot be justly chargeable with the evil consequences imputed to it. The truth is, it is the joint effect of both principles, the domestic industry nourishing the foreign trade, and the foreign commerce, in turn, nourishing the domestic industry. Nowhere more than in New York is the combination of both principles so completely developed. In the progress of my argument I will consider the effect upon the

price of commodities produced by the American system, and show that the very reverse of the prediction of its foes, in 1824, has actually happened.

Whilst thus we behold the entire failure of all that was foretold against the system, it is a subject of just felicitation to its friends, that all their anticipations of its benefits have been fulfilled, or are in progress of fulfillment. The honorable gentleman from South Carolina has made allusion to a speech made by me, in 1824, in the other house, in support of the tariff, and to which, otherwise, I should not have particularly referred. But I would ask any one, who could now command the courage to peruse that long production, what principle there laid down is not true? what prediction then made has been falsified by practical experience?

It is now proposed to abolish the system to which we owe so much of the public prosperity, and it is urged that the arrival of the period of the redemption of the public debt has been confidently looked to as presenting a suitable occasion to rid the country of the evils with which the system is alleged to be fraught. Not an inattentive observer of passing events, I have been aware that, among those who were most eagerly pressing the payment of the public debt, and, upon that ground, were opposing appropriations to other great interests, there were some who cared less about the debt than the accomplishment of other objects. But the people of the United States have not coupled the payment of their public debt with the destruction of the protection of their industry, against foreign laws and foreign industry. They have been accustomed to regard the extinction of the public debt as relief from a burden, and not as the infliction of a curse. If it is to be attended or followed by the subversion of the American system, and the exposure of our establishments and our productions to the unguarded consequences of the selfish policy of foreign powers, the payment of the public debt will be the bitterest of curses. Its fruit will be like the fruit

> «Of that forbidden tree, whose mortal taste
> Brought death into the world, and all our woe,
> With loss of Eden.»

If the system of protection be founded on principles erroneous in theory, pernicious in practice — above all, if it be unconstitutional, as is alleged, it ought to be forthwith abolished, and not

a vestige of it suffered to remain. But, before we sanction this sweeping denunciation, let us look a little at this system, its magnitude, its ramifications, its duration, and the high authorities which have sustained it. We shall see that its foes will have accomplished comparatively nothing, after having achieved their present aim of breaking down our iron foundries, our woolen, cotton, and hemp manufactories, and our sugar plantations. The destruction of these would undoubtedly lead to the sacrifice of immense capital, the ruin of many thousands of our fellow-citizens, and incalculable loss to the whole community. But their prostration would not disfigure, nor produce greater effect upon the whole system of protection, in all its branches, than the destruction of the beautiful domes upon the capitol would occasion to the magnificent edifice which they surmount. Why, sir, there is scarcely an interest, scarcely a vocation in society, which is not embraced by the beneficence of this system.

It comprehends our coasting tonnage and trade, from which all foreign tonnage is absolutely excluded.

It includes all our foreign tonnage, with the inconsiderable exception made by treaties of reciprocity with a few foreign powers.

It embraces our fisheries and all our hardy and enterprising fishermen.

It extends to all lower Louisiana, the delta of which might as well be submerged again in the Gulf of Mexico, from which it has been a gradual conquest, as now to be deprived of the protecting duty upon its great staple.

It affects the cotton planter himself, and the tobacco planter, both of whom enjoy protection.

Such are some of the items of this vast system of protection, which it is now proposed to abandon. We might well pause and contemplate, if human imagination could conceive the extent of mischief and ruin from its total overthrow, before we proceed to the work of destruction. Its duration is worthy, also, of serious consideration. Not to go behind the Constitution, its date is coeval with that instrument. It began on the ever-memorable fourth day of July—the fourth day of July, 1789. The second act which stands recorded in the statute book, bearing the illustrious signature of George Washington, laid the corner stone of the whole system. That there might be no mistake about the matter, it was then solemnly proclaimed to the American people

and to the world, that it was necessary, for "the encouragement and protection of manufactures," that duties should be laid. It is in vain to urge the small amount of the measure of protection then extended. The great principle was then established by the fathers of the Constitution, with the Father of his Country at their head. And it cannot now be questioned, that, if the Government had not then been new and the subject untried, a greater measure of protection would have been applied, if it had been supposed necessary. Shortly after, the master minds of Jefferson and Hamilton were brought to act on this interesting subject. Taking views of it appertaining to the departments of Foreign Affairs and of the Treasury, which they respectively filled, they presented, severally, reports which yet remain monuments of their profound wisdom, and came to the same conclusion of protection to American industry. Mr. Jefferson argued that foreign restrictions, foreign prohibitions, and foreign high duties, ought to be met, at home, by American restrictions, American prohibitions, and American high duties. Mr. Hamilton, surveying the entire ground, and looking at the inherent nature of the subject, treated it with an ability which, if ever equaled, has not been surpassed, and earnestly recommended protection.

The subject of the American system was again brought up in 1820, by the bill reported by the Chairman of the Committee on Manufactures, now a member of the bench of the Supreme Court of the United States, and the principle was successfully maintained by the representatives of the people; but the bill which they passed was defeated in the Senate. It was received in 1824, the whole ground carefully and deliberately explored, and the bill then introduced, receiving all the sanctions of the Constitution, became the law of the land. An amendment of the system was proposed in 1828, to the history of which I refer with no agreeable recollections. The bill of that year, in some of its provisions, was framed on principles directly adverse to the declared wishes of the friends of the policy of protection. I have heard (without vouching for the fact) that it was so framed, upon the advice of a prominent citizen, now abroad, with the view of ultimately defeating the bill, and with assurances that, being altogether unacceptable to the friends of the American system, the bill would be lost. Be that as it may, the most exceptional features of the bill were stamped upon it, against the earnest remonstrances of the friends of the system,

by the votes of Southern members, upon a principle, I think, as unsound in legislation as it is reprehensible in ethics. The bill was passed, notwithstanding it having been deemed better to take the bad along with the good which it contained than reject it altogether. Subsequent legislation has corrected very much the error then perpetrated, but still that measure is vehemently denounced by gentlemen who contributed to make it what it was.

Thus, sir, has this great system of protection been gradually built, stone upon stone, and step by step, from the fourth of July, 1789, down to the present period. In every stage of its progress it has received the deliberate sanction of Congress. A vast majority of the people of the United States has approved, and continues to approve it. Every Chief Magistrate of the United States, from Washington to the present, in some form or other, has given to it the authority of his name; and, however the opinions of the existing President are interpreted south of Mason and Dixon's Line, on the north they are, at least, understood to favor the establishment of a judicious tariff.

The question, therefore, which we are now called upon to determine is not whether we shall establish a new and doubtful system of policy, just proposed, and for the first time presented to our consideration, but whether we shall break down and destroy a long-established system, patiently and carefully built up, and sanctioned, during a series of years, again and again by the nation and its highest and most revered authorities. And are we not bound deliberately to consider whether we can proceed to this work of destruction without a violation of the public faith? The people of the United States have justly supposed that the policy of protecting their industry against foreign legislation and foreign industry was fully settled, not by a single act, but by repeated and deliberate acts of government performed at distant and frequent intervals. In full confidence that the policy was firmly and unchangeably fixed, thousands upon thousands have invested their capital, purchased a vast amount of real and other estate, made permanent establishments, and accommodated their industry. Can we expose to utter and irretrievable ruin this countless multitude without justly incurring the reproach of violating the national faith?

I shall not discuss the constitutional question. Without meaning any disrespect to those who raise it, if it be debatable, it has

been sufficiently debated. The gentleman from South Carolina suffered it to fall unnoticed from his budget; and it was not until after he had closed his speech and resumed his seat that it occurred to him that he had forgotten it, when he again addressed the Senate, and, by a sort of protestation against any conclusion from his silence, put forward the objection. The recent Free Trade Convention at Philadelphia, it is well known, were divided on the question; and although the topic is noticed in their address to the public, they do not avow their own belief that the American system is unconstitutional, but represent that such is the opinion of respectable portions of the American people. Another address to the people of the United States, from a high source, during the past year, treating this subject, does not assert the opinion of the distinguished author, but states that of others to be that it is unconstitutional. From which I infer that he himself did not believe it unconstitutional.

[Here the Vice-President [Mr. Calhoun] interposed, and remarked that if the Senator from Kentucky alluded to him, he must say that his opinion was that the measure was unconstitutional.]

When, sir [said Mr. Clay] I contended with you, side by side, and with perhaps less zeal than you exhibited, in 1816, I did not understand you then to consider the policy forbidden by the Constitution.

[The Vice-President again interposed, and said that the constitutional question was not debated at that time, and that he had never expressed an opinion contrary to that now intimated.]

I give way with pleasure [said Mr. Clay] to these explanations, which I hope will always be made when I say anything bearing on the individual opinions of the Chair. I know the delicacy of the position, and sympathize with the incumbent, whoever he may be. It is true, the question was not debated in 1816; and why not? Because it was not debatable; it was then believed not fairly to arise. It never has been made as a distinct, substantial, and leading point of objection. It never was made until the discussion of the tariff of 1824, when it was rather hinted at, as against the spirit of the Constitution, than formally announced as being contrary to the provisions of that instrument. What was not dreamt of before, or in 1816, and scarcely thought of in 1824, is now made by excited imaginations to assume the imposing form of a serious constitutional barrier.

And now, Mr. President, I have to make a few observations on a delicate subject, which I approach with all the respect that is due to its serious and grave nature. They have not, indeed, been rendered necessary by the speech of the gentleman from South Carolina, whose forbearance to notice the topic was commendable, as his argument throughout was characterized by an ability and dignity worthy of him and of the Senate. The gentleman made one declaration which might possibly be misinterpreted, and I submit to him whether an explanation of it be not proper. The declaration, as reported in his printed speech, is: "The instinct of self-interest might have taught us an easier way of relieving ourselves from this oppression. It wanted but the will to have supplied ourselves with every article embraced in the protective system, free of duty, without any other participation on our part than a simple consent to receive them."

[Here Mr. Hayne rose, and remarked that the passages which immediately preceded and followed the paragraph cited, he thought, plainly indicated his meaning, which related to evasions of the system by illicit introduction of goods, which they were not disposed to countenance in South Carolina.]

I am happy to hear this explanation. But, sir, it is impossible to conceal from our view the facts that there is great excitement in South Carolina; that the protective system is openly and violently denounced in popular meetings; and that the legislature itself has declared its purpose of resorting to counteracting measures — a suspension of which has only been submitted to for the purpose of allowing Congress time to retrace its steps. With respect to this Union, Mr. President, the truth cannot be too generally proclaimed nor too strongly inculcated, that it is necessary to the whole and to all the parts — necessary to those parts, indeed, in different degrees, but vitally necessary to each; and that threats to disturb or dissolve it, coming from any of the parts, would be quite as indiscreet and improper as would be threats from the residue to exclude those parts from the pale of its benefits. The great principle which lies at the foundation of all free government is that the majority must govern; from which there is or can be no appeal but to the sword. That majority ought to govern wisely, equitably, moderately, and constitutionally, but govern it must, subject only to that terrible appeal. If ever one, or several States, being a minority, can, by menacing a dissolution of the Union, succeed in forming an abandonment of

great measures deemed essential to the interests and prosperity of the whole, the Union from that moment is practically gone. It may linger on in form and name, but its vital spirit has fled forever! Entertaining these deliberate opinions, I would entreat the patriotic people of South Carolina — the land of Marion, Sumter, and Pickens — of Rutledge, Laurens, the Pinckneys, and Lowndes — of living and present names, which I would mention if they were not living or present — to pause, solemnly pause! and contemplate the frightful precipice which lies directly before them. To retreat may be painful and mortifying to their gallantry and pride, but it is to retreat to the Union, to safety, and to those brethren with whom, or with whose ancestors, they, or their ancestors, have won on fields of glory imperishable renown. To advance is to rush on certain and inevitable disgrace and destruction.

We have been told of deserted castles, of uninhabited halls, and of mansions, once the seats of opulence and hospitality, now abandoned and moldering in ruins. I never had the honor of being in South Carolina; but I have heard and read of the stories of its chivalry, and of its generous and open-hearted liberality. I have heard, too, of the struggles for power between the lower and upper country. The same causes which existed in Virginia, with which I have been acquainted, I presume, have had their influence in Carolina. In whose hands now are the once proud seats of Westover, Curles, Maycocks, Shirley, and others, on James River, and in lower Virginia? Under the operation of laws abolishing the principle of primogeniture, and providing the equitable rule of an equal distribution of estates among those in equal degree of consanguinity, they have passed into other and stranger hands. Some of the descendants of illustrious families have gone to the far West, whilst others, lingering behind, have contrasted their present condition with that of their venerated ancestors. They behold themselves excluded from their fathers' houses, now in the hands of those who were once their fathers' overseers, or sinking into decay; their imaginations paint ancient renown, the fading honors of their name, glories gone by; too poor to live, too proud to work, too high-minded and honorable to resort to ignoble means of acquisition, brave, daring, chivalrous, what can be the cause of their present unhappy state? The "accursed tariff" presents itself to their excited imaginations, and they blindly rush into the ranks of those who,

unfurling the banner of nullification, would place a State upon its sovereignty!

The danger to our Union does not lie on the side of persistence in the American system, but on that of its abandonment. If, as I have supposed and believe, the inhabitants of all north and east of the James River, and all west of the mountains, including Louisiana, are deeply interested in the preservation of that system, would they be reconciled to its overthrow? Can it be expected that two-thirds, if not three-fourths, of the people of the United States would consent to the destruction of a policy believed to be indispensably necessary to their prosperity? When, too, this sacrifice is made at the instance of a single interest which they verily believe will not be promoted by it? In estimating the degree of peril which may be incident to two opposite courses of human policy, the statesman would be short-sighted who should content himself with viewing only the evils, real or imaginary, which belong to that course which is in practical operation. He should lift himself up to the contemplation of those greater and more certain dangers which might inevitably attend the adoption of the alternative course. What would be the condition of this Union, if Pennsylvania and New York, those mammoth members of our confederacy, were firmly persuaded that their industry was paralyzed and their prosperity blighted by the enforcement of the British colonial system, under the delusive name of free trade? They are now tranquil and happy and contented, conscious of their welfare, and feeling a salutary and rapid circulation of the products of home manufactures and home industry throughout all their great arteries. But let that be checked, let them feel that a foreign system is to predominate, and the sources of their subsistence and comfort dried up; let New England and the West and the Middle States all feel that they too are the victims of a mistaken policy, and let these vast portions of our country despair of any favorable change, and then, indeed, might we tremble for the continuance and safety of this Union!

IN FAVOR OF A PATERNAL POLICY OF INTERNAL IMPROVEMENTS

(From the Speech of January 16th, 1824, in the House of Representatives on the Cumberland Road)

It is said by the President that the power to regulate commerce merely authorizes the laying of imposts and duties. But Congress has no power to lay imposts and duties on the trade among the several States. The grant must mean, therefore, something else. What is it? The power to regulate commerce among the several States, if it has any meaning, implies authority to foster it, to promote it, to bestow upon it facilities similar to those which have been conceded to our foreign trade. It cannot mean only an empty authority to adopt regulations, without the capacity to give practical effect to them. All the powers of this Government should be interpreted in reference to its first, its best, its greatest object, the union of these States. And is not that union best invigorated by an intimate social and commercial connection between all the parts of the confederacy? Can that be accomplished, that is, can the federative objects of this Government be attained but by the application of federative resources?

Of all the powers bestowed on this Government, I think none are more clearly vested than that to regulate the distribution of the intelligence, private and official, of the country; to regulate the distribution of its commerce; and to regulate the distribution of the physical force of the Union. In the execution of the high and solemn trust which these beneficial powers imply, we must look to the great ends which the framers of our admirable Constitution had in view. We must reject as wholly incompatible with their enlightened and beneficent intentions that construction of these powers which would resuscitate all the debility and inefficiency of the ancient confederacy. In the vicissitudes of human affairs who can foresee all the possible cases in which it may be necessary to apply the public force, within or without the Union? This Government is charged with the use of it to repel invasions, to suppress insurrections, to enforce the laws of the Union; in short for all the unknown and undefinable purposes of war, foreign or intestine, wherever and however it may rage. During its existence may not Government, for its effect-

ual prosecution, order a road to be made, or a canal to be cut, to relieve, for example, an exposed point of the Union? If, when the emergency comes, there is a power to provide for it, that power must exist in the Constitution, and not in the emergency. A wise, precautionary, and parental policy, anticipating danger, will provide beforehand for the hour of need. Roads and canals are in the nature of fortifications, since, if not the deposits of military resources, they enable you to bring into rapid action the military resources of the country, whatever they may be. They are better than any fortifications, because they serve the double purposes of peace and war. They dispense, in a great degree, with fortifications, since they have all the effect of that concentration at which fortifications aim. I appeal from the precepts of the President to the practice of the President. While he denies to Congress the power in question, he does not scruple, upon his sole authority, as numerous instances in the statute book will testify, to order at pleasure the opening of roads by the military, and then come here to ask us to pay for them.

. . . . . .

But, Mr. Chairman, if there be any part of this Union more likely than all others to be benefited by the adoption of the gentleman's principle, regulating the public expenditure, it is the west. There is a perpetual drain from that embarrassed and highly distressed portion of our country, of its circulating medium to the east. There, but few and inconsiderable expenditures of the public money take place. There we have none of those public works, no magnificent edifices, forts, armories, arsenals, dockyards, etc., which more or less are to be found in every Atlantic State. In at least seven States beyond the Alleghany, not one solitary public work of this Government is to be found. If, by one of those awful and terrible dispensations of Providence, which sometimes occur, this Government should be unhappily annihilated, everywhere on the seaboard traces of its former existence would be found, whilst we should not have, in the west, a single monument remaining on which to pour out our affections and our regrets. Yet, sir, we do not complain. No portion of your population is more loyal to the Union than the hardy freemen of the west. Nothing can weaken or eradicate their ardent desire for its lasting preservation. None are more prompt to vindicate the interests and rights of the nation from all foreign aggression. Need I remind you of the glorious scenes in which

they participated, during the late war — a war in which they had no peculiar or direct interest, waged for no commerce, no seamen of theirs. But it was enough for them that it was a war demanded by the character and the honor of the nation. They did not stop to calculate its cost of blood, or of treasure. They flew to arms; they rushed down the valley of the Mississippi, with all the impetuosity of that noble river. They sought the enemy. They found him at the beach. They fought; they bled; they covered themselves and their country with immortal glory. They enthusiastically shared in all the transports occasioned by our victories, whether won on the ocean or on the land. They felt, with the keenest distress, whatever disaster befell us. No, sir, I repeat it, neglect, injury itself, cannot alienate the affections of the west from this government. They cling to it, as to their best, their greatest, their last hope. You may impoverish them, reduce them to ruin, by the mistakes of your policy, yet you cannot drive them from you. They do not complain of the expenditure of the public money, where the public exigencies require its disbursement. But, I put it to your candor, if you ought not, by a generous and national policy, to mitigate, if not prevent, the evils resulting from the perpetual transfer of the circulating medium from the west to the east. One million and a half of dollars annually is transferred for the public lands alone, and almost every dollar goes, like him who goes to death — to a bourne from which no traveler returns. In ten years it will amount to fifteen millions; in twenty to — but I will not pursue the appalling results of arithmetic. Gentlemen who believe that these vast sums are supplied by emigrants from the east labor under great error. There was a time when the tide of emigration from the east bore along with it the means to effect the purchase of the public domain. But that tide has, in a great measure, now stopped. And as population advances farther and farther west, it will entirely cease. The greatest migrating States in the Union, at this time, are Kentucky first, Ohio next, and Tennessee. The emigrants from those States carry with them, to the States and territories lying beyond them, the circulating medium, which, being invested in the purchase of the public land, is transmitted to the points where the wants of government require it. If this debilitating and exhausting process were inevitable, it must be borne with manly fortitude. But we think that a fit exertion of the powers of this

Government would mitigate the evil. We believe that the Government incontestably possesses the constitutional power to execute such internal improvements as are called for by the good of the whole. And we appeal to your equity, to your parental regard, to your enlightened policy, to perform the high and beneficial trust thus sacredly reposed. I am sensible of the delicacy of the topic to which I have reluctantly adverted, in consequence of the observations of the honorable gentleman from Virginia. And I hope there will be no misconception of my motives in dwelling upon it. A wise and considerate government should anticipate and prevent, rather than wait for the operation of causes of discontent.

Let me ask, Mr. Chairman, What has this Government done on the great subject of internal improvements, after so many years of its existence, and with such an inviting field before it? You have made the Cumberland road, only. Gentlemen appear to have considered that a western road. They ought to recollect that not one stone has yet been broken, not one spade of earth has yet been removed in any western State. The road begins in Maryland and it terminates at Wheeling. It passes through the States of Maryland, Pennsylvania, and Virginia. All the direct benefit of the expenditure of the public money on that road has accrued to those three States. Not one cent in any western State. And yet we have had to beg, entreat, supplicate you, session after session, to grant the necessary appropriations to complete the road. I myself have toiled until my powers have been exhausted and prostrated, to prevail on you to make the grant. We were actuated to make these exertions for the sake of the collateral benefit only to the west; that we might have a way by which we should be able to continue and maintain an affectionate intercourse with our friends and brethren; that we might have a way to reach the capital of our country, and to bring our counsels, humble as they may be, to consult and mingle with yours in the advancement of the national prosperity.

Yes, sir, the Cumberland road has only reached the margin of a western State; and, from some indications which have been given during this session, I should apprehend it would there pause forever, if my confidence in you were not unbounded, if I had not before witnessed that appeals were never unsuccessful to your justice, to your magnanimity, to your fraternal affection.

But, sir, the bill on your table is no western bill. It is emphatically a national bill, comprehending all, looking to the interests of the whole. The people of the west never thought of, never desired, never asked, for a system exclusively for their benefit. The system contemplated by this bill looks to great national objects, and proposes the ultimate application to their accomplishment of the only means by which they can be effected, the means of the nation — means which, if they be withheld from such objects, the Union, I do most solemnly believe, of these now happy and promising States, may, at some distant (I trust a far, far distant) day, be endangered and shaken at its centre.

FOR «FREE TRADE AND SEAMEN'S RIGHTS»

(From a Speech on the War of 1812. Delivered in the House of Representatives, January 8th, 1813)

Next to the notice which the opposition has found itself called upon to bestow upon the French Emperor, a distinguished citizen of Virginia, formerly President of the United States, has never for a moment failed to receive their kindest and most respectful attention. An honorable gentleman from Massachusetts, Mr. Quincy, of whom, I am sorry to say, it becomes necessary for me, in the course of my remarks, to take some notice, has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. No, sir, in 1801 he snatched from the rude hand of usurpation the violated Constitution of his country, and that is his crime. He preserved that instrument in form and substance and spirit, a precious inheritance for generations to come, and for this he can never be forgiven. How vain and impotent is party rage directed against such a man! He is not more elevated by his lofty residence upon the summit of his own favorite mountain than he is lifted, by the serenity of his mind and the consciousness of a well-spent life, above the malignant passions and bitter feelings of the day. No! his own beloved Monticello is not more moved by the storms that beat against its sides than is this illustrious man by the howlings of the whole British pack set loose from the Essex kennel! When the gentleman to whom

I have been compelled to allude shall have mingled his dust with that of his abused ancestors; when he shall have been consigned to oblivion, or, if he lives at all, shall live only in the treasonable annals of a certain junto, the name of Jefferson will be hailed with gratitude, his memory honored and cherished as the second founder of the liberties of the people, and the period of his administration will be looked back to, as one of the happiest and brightest epochs of American history — an oasis in the midst of a sandy desert. But I beg the gentleman's pardon; he has indeed secured to himself a more imperishable fame than I had supposed. I think it was about four years ago that he submitted to the House of Representatives an initiative proposition for an impeachment of Mr. Jefferson. The House condescended to consider it. The gentleman debated it with his usual temper, moderation, and urbanity. The House decided upon it in the most solemn manner, and, although the gentleman had somehow obtained a second, the final vote stood, one for, and one hundred and seventeen against the proposition! The same historic page that transmitted to posterity the virtue and the glory of Henry the Great of France, for their admiration and example, has preserved the infamous name of the fanatic assassin of that excellent monarch. The same sacred pen that portrayed the sufferings and crucifixion of the Savior of mankind has recorded, for universal execration, the name of him who was guilty, not of betraying his country, but (a kindred crime!) of betraying his God.

In one respect there is a remarkable difference between the administration and the opposition; it is in a sacred regard for personal liberty. When out of power my political friends condemned the surrender of Jonathan Robbins; they opposed the violation of the freedom of the press in the Sedition Law; they opposed the more insidious attack upon the freedom of the person under the imposing garb of an Alien Law. The party now in opposition, then in power, advocated the sacrifice of the unhappy Robbins, and passed those two laws. True to our principles, we are now struggling for the liberty of our seamen against foreign oppression. True to theirs, they oppose a war undertaken for this object. They have, indeed, lately affected a tender solicitude for the liberties of the people, and talk of the danger of standing armies and the burden of taxes. But it must be evident to you, Mr. Chairman, that they speak in a foreign idiom. Their brogue evinces that it is not their vernacular tongue. What! the oppo-

sition, who, in 1798 and 1799 could raise a useless army to fight an enemy three thousand miles distant from us, alarmed at the existence of one raised for a known and specified object — the attack of the adjoining provinces of the enemy! What! the gentleman from Massachusetts, who assisted by his vote to raise the army of twenty-five thousand, alarmed at the danger of our liberties from this very army! . . .

I omitted, yesterday, sir, when speaking of a delicate and painful subject, to notice a powerful engine which the conspirators against the integrity of the Union employ to effect their nefarious purposes — I mean Southern influence. The true friend to his country, knowing that our Constitution was the work of compromise, in which interests, apparently conflicting, were attempted to be reconciled, aims to extinguish or allay prejudices. But this patriotic exertion does not suit the views of those who are urged on by diabolical ambition. They find it convenient to imagine the existence of certain improper influences, and to propagate, with their utmost industry, a belief of them. Hence the idea of Southern preponderance; Virginia influence; the yoking of the respectable yeomanry of the North, with negro slaves, to the car of Southern nabobs. If Virginia really cherishes a reprehensible ambition, an aim to monopolize the chief magistracy of the country, how is such a purpose to be accomplished? Virginia, alone, cannot elect a President, whose elevation depends upon a plurality of electoral votes, and a consequent concurrence of many States. Would Vermont, disinterested Pennsylvania, the Carolinas, independent Georgia, Kentucky, Tennessee, Ohio, Louisiana, all consent to become the tools of inordinate ambition? But the present incumbent was designated to the office before his predecessor had retired. How? By public sentiment, — public sentiment which grew out of his known virtues, his illustrious services, and his distinguished abilities. Would the gentleman crush this public sentiment, — is he prepared to admit that he would arrest the progress of opinion?

The war was declared because Great Britain arrogated to herself the pretension of regulating our foreign trade, under the delusive name of retaliatory orders in council, — a pretension by which she undertook to proclaim to American enterprise, — "Thus far shalt thou go, and no farther," — orders which she refused to revoke after the alleged cause of their enactment had ceased; because she persisted in the practice of impressing American

seamen; because she had instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. The war in fact was announced, on our part, to meet the war which she was waging on her part. So undeniable were the causes of the war, so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this House, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. . . .

We are told by gentlemen in the opposition that Government has not done all that was incumbent on it to do to avoid just cause of complaint on the part of Great Britain; that, in particular, the certificates of protection, authorized by the act of 1796, are fraudulently used. Sir, Government has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave — "Let the bearer, Mungo, pass and repass without molestation." What do they imply? That Great Britain has a right to seize all who are not provided with them. From their very nature they must be liable to abuse on both sides. If Great Britain desires a mark by which she can know her own subjects, let her give them an ear-mark. The colors that float from the masthead should be the credentials of our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule that all who sail under the flag (not being enemies) are protected by the flag. It is impossible that this country should ever abandon the gallant tars who have won for us such splendid trophies. Let me suppose that the genius of Columbia should visit one of them in his oppressor's prison and attempt to reconcile him to his forlorn and wretched condition. She would say to him, in the language of gentlemen on the other side: "Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her by peaceable means to release you; but I cannot, my son, fight for you." If he did not consider this mere mockery, the poor tar would address her judgment and say: "You owe me, my country, protection; I owe you in return obedience. I am no British subject, I am a native of old Massachusetts, where live my aged father, my wife, my children. I have faithfully

discharged my duty. Will you refuse to do yours?" Appealing to her passions, he would continue: "I lost this eye in fighting under Truxton with the Insurgente; I got this scar before Tripoli; I broke this leg on board the Constitution when the Guerriere struck." If she remained still unmoved, he would break out in the accents of mingled distress and despair: —

> "Hard, hard is my fate! once I freedom enjoyed,
> Was as happy as happy could be!
> Oh! how hard is my fate, how galling these chains!"

I will not imagine the dreadful catastrophe to which he would be driven by an abandonment of him to his oppressor. It will not be, it cannot be, that his country will refuse him protection. . . .

An honorable peace is attainable only by an efficient war. My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or at Halifax.

We are told that England is a proud and lofty nation, which, disdaining to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and, if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men, lash ourselves to our gallant tars, and expire together in one common struggle, fighting for free trade and seamen's rights.

THE GREEK REVOLUTION

(From the Speech of January 20th, 1824, in the House of Representatives, Supporting the Webster Resolution)

THERE is reason to apprehend that a tremendous storm is ready to burst upon our happy country — one which may call into action all our vigor, courage, and resources. Is it wise or prudent, in preparing to breast the storm, if it must come, to talk to this nation of its incompetency to repel European aggression, to lower its spirit, to weaken its moral energy, and to qualify it for easy conquest and base submission? If there be

any reality in the dangers which are supposed to encompass us, should we not animate the people, and adjure them to believe, as I do, that our resources are ample; and that we can bring into the field a million of freemen, ready to exhaust their last drop of blood, and to spend the last cent in the defense of the country, its liberty, and its institutions? Sir, are these, if united, to be conquered by all Europe combined? All the perils to which we can possibly be exposed are much less in reality than the imagination is disposed to paint them. And they are best averted by an habitual contemplation of them, by reducing them to their true dimensions. If combined Europe is to precipitate itself upon us, we cannot too soon begin to invigorate our strength, to teach our heads to think, our hearts to conceive, and our arms to execute, the high and noble deeds which belong to the character and glory of our country. The experience of the world instructs us that conquests are already achieved, which are boldly and firmly resolved on, and that men only become slaves who have ceased to resolve to be free. If we wish to cover ourselves with the best of all armor, let us not discourage our people, let us stimulate their ardor, let us sustain their resolution, let us proclaim to them that we feel as they feel, and that, with them, we are determined to live or die like freemen.

Surely, sir, we need no long or learned lectures about the nature of government and the influence of property or ranks on society. We may content ourselves with studying the true character of our own people and with knowing that the interests are confided to us of a nation capable of doing and suffering all things for its liberty. Such a nation, if its rulers be faithful, must be invincible. I well remember an observation made to me by the most illustrious female* of the age, if not of her sex. All history showed, she said, that a nation was never conquered. No, sir, no united nation that resolves to be free can be conquered. And has it come to this? Are we so humbled, so low, so debased, that we dare not express our sympathy for suffering Greece, that we dare not articulate our detestation of the brutal excesses of which she has been the bleeding victim, lest we might offend some one or more of their imperial and royal majesties? If gentlemen are afraid to act rashly on such a subject, suppose, Mr. Chairman, that we unite in an humble petition, addressed to their majesties, beseeching them that of their gracious

*Madame de Staël.

condescension they would allow us to express our feelings and our sympathies. How shall it run? "We, the representatives of the free people of the United States of America, humbly approach the thrones of your imperial and royal majesties, and supplicate that, of your imperial and royal clemency,"—I cannot go through the disgusting recital—my lips have not yet learned to pronounce the sycophantic language of a degraded slave! Are we so mean, so base, so despicable, that we may not attempt to express our horror—to utter our indignation, at the most brutal and atrocious war that ever stained earth or shocked high heaven; at the ferocious deeds of a savage and infuriated soldiery, stimulated and urged on by the clergy of a fanatical and inimical religion, and rioting in all the excesses of blood and butchery, at the mere details of which the heart sickens and recoils!

If the great body of Christendom can look on calmly and coolly, whilst all this is perpetrated on a Christian people, in its own immediate vicinity, in its very presence, let us at least evince that one of its remote extremities is susceptible of sensibility to Christian wrongs, and capable of sympathy for Christian sufferings; that in this remote quarter of the world there are hearts not yet closed against compassion for human woes, that can pour out their indignant feelings at the oppression of a people endeared to us by every ancient recollection, and every modern tie. . . .

But, sir, it is not for Greece alone that I desire to see this measure adopted. It will give to her but little support, and that purely of a moral kind. It is principally for America, for the credit and character of our common country, for our own unsullied name, that I hope to see it pass. Mr. Chairman, what appearance on the page of history would a record like this exhibit? "In the month of January, in the year of our Lord and Savior 1824, while all European Christendom beheld, with cold and unfeeling indifference, the unexampled wrongs and inexpressible misery of Christian Greece, a proposition was made in the Congress of the United States, almost the sole, the last, the greatest depository of human hope and human freedom, the representatives of a gallant nation, containing a million of freemen ready to fly to arms, while the people of that nation were spontaneously expressing its deep-toned feeling, and the whole continent, by one simultaneous emotion, was rising, and solemnly and anxiously supplicating and invoking high heaven to spare and

succor Greece, and to invigorate her arms, in her glorious cause, while temples and senate houses were alike resounding with one burst of generous and holy sympathy; — in the year of our Lord and Savior, that Savior of Greece and of us — a proposition was offered in the American Congress to send a messenger to Greece to inquire into her state and condition, with a kind expression of our good wishes and our sympathies — and it was rejected!" Go home, if you can, go home, if you dare, to your constituents, and tell them that you voted it down; meet, if you can, the appalling countenances of those who sent you here, and tell them that you shrank from the declaration of your own sentiments — that you cannot tell how, but that some unknown dread, some indescribable apprehension, some indefinable danger, drove you from your purpose — that the spectres of scimeters and crowns and crescents gleamed before you and alarmed you; and that you suppressed all the noble feelings prompted by religion, by liberty, by national independence, and by humanity. I cannot bring myself to believe that such will be the feeling of a majority of the committee. But, for myself, though every friend of the cause should desert it, and I be left to stand alone with the gentleman from Massachusetts, I will give to his resolution the poor sanction of my unqualified approbation.

THE NOBLEST PUBLIC VIRTUE

(Replying to Mr. Rives in the United States Senate, August 19th, 1841. Once Described by Mr. Clay Himself as His Most Effective Passage)

I ROSE not to say one word which should wound the feelings of President Tyler. The Senate says that, if placed in like circumstances, I would have been the last man to avoid putting a direct veto upon the bill, had it met my disapprobation; and he does me the honor to attribute to me high qualities of stern and unbending intrepidity. I hope that in all that relates to personal firmness, all that concerns a just appreciation of the insignificance of human life — whatever may be attempted to threaten or alarm a soul not easily swayed by opposition, or awed or intimidated by menace — a stout heart and a steady eye, that can survey, unmoved and undaunted, any mere personal perils that assail this poor, transient, perishing frame, I may, without disparagement, compare with other men. But there is a

sort of courage, which, I frankly confess it, I do not possess, a boldness to which I dare not aspire, a valor which I cannot covet. I cannot lay myself down in the way of the welfare and happiness of my country. That I cannot, I have not the courage to do. I cannot interpose the power with which I may be invested, a power conferred not for my personal benefit, nor for my aggrandizement, but for my country's good, to check her onward march to greatness and glory. I have not courage enough, I am too cowardly for that. I would not, I dare not, in the exercise of such a trust, lie down and place my body across the path that leads my country to prosperity and happiness. This is a sort of courage widely different from that which a man may display in his private conduct and personal relations. Personal or private courage is totally distinct from that higher and nobler courage which prompts the patriot to offer himself a voluntary sacrifice to his country's good.

Nor did I say, as the Senator represents, that the President should have resigned. I intimated no personal wish or desire that he should resign. I referred to the fact of a memorable resignation in his public life. And what I did say was, that there were other alternatives before him besides vetoing the bill, and that it was worthy of his consideration whether consistency did not require that the example which he had set when he had a constituency of one State should not be followed when he had a constituency commensurate with the whole Union. Another alternative was to suffer the bill, without his signature, to pass into a law under the provisions of the Constitution. And I must confess, I see, in this, no such escaping by the back door, no such jumping out of the window, as the Senator talks about.

Apprehensions of the imputation of the want of firmness sometimes impel us to perform rash and inconsiderate acts. It is the greatest courage to be able to bear the imputation of the want of courage. But pride, vanity, egotism, so unamiable and offensive in private life, are vices which partake of the character of crimes in the conduct of public affairs. The unfortunate victim of these passions cannot see beyond the little, petty, contemptible circle of his own personal interests. All his thoughts are withdrawn from his country and concentrated on his consistency, his firmness, himself. The high, the exalted, the sublime emotions of a patriotism, which, soaring toward heaven, rises far above all mean, low, or selfish things, and is absorbed by one soul-

transporting thought of the good and the glory of one's country, are never felt in his impenetrable bosom. That patriotism, which, catching its inspirations from the immortal God, and leaving at an immeasurable distance below all lesser, groveling, personal interests and feelings, animates and prompts to deeds of self-sacrifice, of valor, of devotion, and of death itself — that is public virtue; that is the noblest, the sublimest of all public virtues!

SIXTY YEARS OF SECTIONALISM

(Closing Argument in Support of the Compromise of 1850, United States Senate, February 6th, 1850)

Mr. Mangum having offered to make a motion to adjourn, Mr. Clay said: «No, sir; no, sir; if the Senate will bear with me, I think I can go through with it better to-day than I could to-morrow.»

Mr. President:—

This Union is threatened with subversion. I desire to take a very rapid glance at the course of public measures in this Union presently. I wanted, however, before I did that, to ask the Senate to look back upon the career which this country has run from the adoption of the Constitution down to the present day. Was there ever a nation upon which the sun of heaven has shone which has exhibited so much of prosperity as our own? At the commencement of this Government, our population amounted to about four millions. It has now reached upwards of twenty millions. Our territory was limited chiefly and principally to that bordering upon the Atlantic Ocean, and that which includes the southern shores of the interior lakes of our country. Our territory now extends from the northern provinces of Great Britain to the Rio Grande and the Gulf of Mexico; from the Atlantic Ocean on the one side to the Pacific on the other — the largest extent of territory under one government existing upon earth, with only two solitary exceptions. Our tonnage, from being nothing, has risen to a magnitude and amount to rival that of the nation which has been proudly called the mistress of the ocean. We have gone through many wars; one with that very nation from whom in 1776, we broke off, as weak and feeble colonies, when we asserted our independence as a member of the family of nations. And, sir, we came out of that

struggle — unequal as it was, armed as she was at all points in consequence of the long struggles of Europe, and unarmed as we were at all points, in consequence of the habits and nature of our country and its institutions — we came out of that war without the loss of any honor whatever; we emerged from it gloriously. In every Indian war — we have been engaged in many of them — our arms have been triumphant. And without speaking at all as to the causes of the recent war with Mexico, whether they were right or wrong, and abstaining from the expression of any opinion as to the justice or propriety of the war when it commenced, all must unite in respect to the gallantry of our arms and the glory of our triumphs. There is no page — there are no pages of history which record more brilliant successes. With respect to the one in command of an important portion of our army, I need say nothing in praise of him who has been borne by the voice of his country to the highest station in it, mainly on account of his glorious military career. But of another military commander, less fortunate in other respects, I must take the opportunity of saying that for skill, for science, for strategy, for bold and daring fighting, for chivalry of individuals and of masses, that portion of the Mexican War which was conducted by the gallant Scott, as chief commander, stands unrivaled either by the deeds of Cortes himself or by those of any other commander in ancient or modern times.

Our prosperity is unbounded. Nay, Mr. President, I sometimes fear that it is the very wantonness of our prosperity that leads us to these threatening ills of the moment, that restlessness and these erratic schemes throughout the whole country, some of which have even found their way into legislative halls. We want, I fear, the chastising wand of Heaven to bring us back to a sense of the immeasurable benefits and blessings which have been bestowed upon us by Providence. At this moment, with the exception of here and there a particular department in the manufacturing business of the country, all is prosperous and happy — both the rich and poor. Our nation has grown to a magnitude in power and in greatness to command the respect, if it does not call for the apprehensions, of all the powers of the earth with which we can come in contact. Sir, do I depict with colors too lively the prosperity which has resulted to us from the operation of the Constitution under which we live? Have I exaggerated in any degree?

Now, let me go a little into detail as to the sway in the councils of the nation, whether of the North or of the South, during the sixty years of unparalleled prosperity that we enjoy. During the first twelve years of the administration of the government Northern councils rather prevailed, and out of them sprung the Bank of the United States; the assumption of the State debts; bounties to the fisheries; protection to the domestic manufactures — I allude to the Act of 1789; neutrality in the wars with Europe; Jay's Treaty; Alien and Sedition Laws; and a *quasi* war with France. I do not say, sir, that those leading and prominent measures which were adopted during the administration of Washington and the elder Adams were carried exclusively by Northern councils. They could not have been, but were carried mainly by the sway which Northern councils had obtained in the affairs of the country.

So, also, with the latter party for the last fifty years. I do not mean to say that Southern counsels alone have carried the measures which I am about to enumerate. I know they could not exclusively have carried them; but I say they have been carried by their preponderating influence, with co-operation, it is true, and large co-operation, in some instances, from the Northern section of the Union.

And what are those measures during the fifty years that Southern counsels have preponderated? The Embargo and other commercial restrictions of nonintercourse and nonimportation; war with Great Britain; the Bank of the United States overthrown; protection to domestic manufactures enlarged and extended (I allude to the passage of the Act of 1815 or 1816); the Bank of the United States re-established; the same bank put down; re-established by Southern counsels and put down by Southern counsels; Louisiana acquired; Florida bought; Texas annexed; war with Mexico; California and other Territories acquired from Mexico by conquest and purchase; protection superseded and free trade established; Indians removed west of the Missouri; fifteen new States admitted into the Union. I may very possibly have omitted some of the important measures which have been adopted during the latter period or time to which I have referred — the last fifty years; but these, I believe, are the most prominent.

I do not deduce from the enumeration of the acts of the one side or the other any just cause of reproach to the one side or

the other, although one side or the other has predominated in the two periods to which I have referred. It has been at least the work of both, and neither need justly reproach the other; but I must say in all candor and sincerity that least of all ought the South to reproach the North, when we look at the long list of measures we have had under our sway in the councils of the nation, and which have been adopted as the policy of the Government, when we reflect that even opposite doctrines have been prominently advanced by the South and carried at different times. A Bank of the United States was established under the administration of Mr. Madison, with the co-operation of the South. I do not, when I speak of the South or North, speak of the entire South or North — I speak of the prominent and larger proportions of the South or North. It was during Mr. Madison's administration that the Bank of the United States was established. The friend [Mr. Calhoun] whose sickness I again deplore, as it prevents us from having his attendance here upon this occasion, was the chairman of the committee of the House of Representatives, and carried the measure through Congress. I voted for it with all my heart, although I had been instrumental in putting down the old Bank of the United States. I had changed my mind; and I co-operated in the establishment of the bank of 1816. The same bank was again put down by Southern counsels, with General Jackson at their head, at a later period. Then, with respect to the policy of protection, the South, in 1815 — I mean the prominent and leading men of the South, Lowndes, Calhoun, and others — united in extending a certain measure of protection to the domestic manufacturers of the South, as well as of the North. You find, a few years afterwards, that the South opposes the most serious objection to this policy, at least one member of the Union staking upon that objection the dissolution of the Union.

Let us take another view; and of these several views no one is brought forward in any spirit of reproach, but in a spirit of conciliation — not to provoke or exasperate, but to quiet and produce harmony and repose, if possible. What have been the territorial acquisitions made by this country, and to what interests have they conduced? Florida, where slavery exists, has been introduced. All the most valuable parts of Louisiana have also added to the extent and consideration of the slaveholding portion of the Union; for although there is a large extent of

that territory north of 36° 30′, yet, in point of intrinsic value and importance, I would not give the single State of Louisiana for the whole of it. All Louisiana, with the exception of what lies north of 36° 30′, including Oregon, to which we have obtained title mainly upon the ground of its being a part of the acquisition of Louisiana — all Texas, all the territories which have been acquired by the Government of the United States during the past sixty years of the operation of that Government, have been slave territories — theatres of slavery — with the exception I have mentioned lying north of the line of 36° 30′. But how was it in the case of a war made essentially by the South, growing out of the annexation of Texas, which was a measure pressed by the South upon the councils of the country, and which led to the war with Mexico? I do not say of the whole South; but a major portion of the South pressed the annexation of Texas upon the country, and that led to a war with Mexico, and to the ultimate acquisition of these territories which now constitute the bone of contention between the members of the confederacy. And now, when, for the first time, any free territory,— after these great acquisitions in Florida, Louisiana, and Texas had been made and redounded to the benefit of the South, — now, when, for the first time, free territories are attempted to be introduced,— territories without the institution of slavery,— I put it to the hearts of my countrymen of the South, if it is right to press matters to the disastrous consequences that have been intimated no longer ago than this very morning, upon the presentation of the resolutions from North Carolina.

[A Senator here offered to move an adjournment.]

Mr. President, I hope the Senate will only have the goodness, if I don't tire out their patience, to permit me to go on. I would prefer concluding to-day. I begin to see land. I shall pretty soon arrive at the end. I had much rather occupy half an hour now than leave what I have to say for to-morrow — to trespass upon the patience of the Senate another day.

Such is the Union, and such are its glorious fruits. We are told now, and it is rung throughout this entire country, that the Union is threatened with subversion and destruction. Well, the first question which naturally arises is, supposing the Union to be dissolved,— having all the causes of grievance which are complained of,— How far will a dissolution furnish a remedy

for those grievances? If the Union is to be dissolved for any existing causes, it will be dissolved because slavery is interdicted or not allowed to be introduced into the ceded territories; because slavery is threatened to be abolished in the District of Columbia, and because fugitive slaves are not returned, as in my opinion they ought to be, and restored to their masters. These, I believe, will be the causes, if there be any causes, which can lead to the direful event to which I have referred.

Well, now, let us suppose that the Union has been dissolved. What remedy does it furnish for the grievances complained of in its united condition? Will you be able to push slavery into the ceded Territories? How are you to do it, supposing the North — all the States north of the Potomac, and which are opposed to it — in possession of the navy and army of the United States? Can you expect, if there is a dissolution of the Union, that you can carry slavery into California and New Mexico? You cannot dream of such a purpose. If it were abolished in the District of Columbia, and the Union were dissolved, would the dissolution of the Union restore slavery in the District of Columbia? Are you safer in the recovery of your fugitive slaves, in a state of dissolution or of severance of the Union, than you are in the Union itself? Why, what is the state of the fact in the Union? You lose some slaves. You recover some others. Let me advert to a fact which I ought to have introduced before, because it is highly creditable to the courts and juries of the free States. In every case, so far as my information extends, where an appeal has been made to the courts of justice for the recovery of fugitives, or for the recovery of penalties inflicted upon persons who have assisted in decoying slaves from their masters and aiding them in escaping from their masters — as far as I am informed, the courts have asserted the rights of the owner, and the juries have promptly returned adequate verdicts in favor of the owner. Well, this is some remedy. What would you have if the Union were dissevered? Why, sir, then the severed parts would be independent of each other — foreign countries! Slaves taken from the one into the other would be then like slaves now escaping from the United States into Canada. There would be no right of extradition; no right to demand your slaves; no right to appeal to the courts of justice to demand your slaves which escape, or the penalties for decoying them. Where one slave escapes now, by running away from his owner, hundreds and

thousands would escape if the Union were severed in parts — I care not where nor how you run the line, if independent sovereignties were established.

Well, finally, will you, in a state of dissolution of the Union, be safer with your slaves within the bosom of the States than you are now? Mr. President, that they will escape much more frequently from the border States, no one will doubt.

But, I must take the occasion to say that, in my opinion, there is no right on the part of one or more of the States to secede from the Union. War and the dissolution of the Union are identical and inseparable. There can be no dissolution of the Union, except by consent or by war. No one can expect, in the existing state of things, that that consent would be given, and war is the only alternative by which a dissolution could be accomplished. And, Mr. President, if consent were given — if possibly we were to separate by mutual agreement and by a given line, in less than sixty days after such an agreement had been executed, war would break out between the free and slaveholding portions of this Union — between the two independent portions into which it would be erected in virtue of the act of separation. Yes, sir, sixty days — in less than sixty days, I believe, our slaves from Kentucky would be fleeing over in numbers to the other side of the river, would be pursued by their owners, and the excitable and ardent spirits who would engage in the pursuit would be restrained by no sense of the rights which appertain to the independence of the other side of the river, supposing it, then, to be the line of separation. They would pursue their slaves; they would be repelled, and war would break out. In less than sixty days war would be blazing forth in every part of this now happy and peaceable land.

But how are you going to separate them? In my humble opinion, Mr. President, we should begin at least with three confederacies — the Confederacy of the North, the Confederacy of the Atlantic Southern States (the slaveholding States), and the Confederacy of the Valley of the Mississippi. My life upon it, sir, that vast population that has already concentrated, and will concentrate, upon the headwaters and tributaries of the Mississippi, will never consent that the mouth of that river shall be held subject to the power of any foreign State whatever. Such, I believe, would be the consequences of a dissolution of the Union. But other confederacies would spring up, from time to

time, as dissatisfaction and discontent were disseminated over the country. There would be the Confederacy of the Lakes — perhaps the Confederacy of New England and of the Middle States.

But, sir, the veil which covers these sad and disastrous events that lie beyond a possible rupture of this Union is too thick to be penetrated or lifted by any mortal eye or hand.

Mr. President, I am directly opposed to any purpose of secession, of separation. I am for staying within the Union, and defying any portion of this Union to expel or drive me out of the Union. I am for staying within the Union, and fighting for my rights — if necessary, with the sword — within the bounds and under the safeguard of the Union. I am for vindicating these rights; but not by being driven out of the Union rashly and unceremoniously by any portion of this confederacy. Here I am within it, and here I mean to stand and die; as far as my individual purposes or wishes can go — within it to protect myself, and to defy all power upon earth to expel me or drive me from the situation in which I am placed. Will there not be more safety in fighting within the Union than without it?

Suppose your rights to be violated; suppose wrongs to be done you, aggressions to be perpetrated upon you; cannot you better fight and vindicate them, if you have occasion to resort to that last necessity of the sword, within the Union, and with the sympathies of a large portion of the population of the Union of these States differently constituted from you, than you can fight and vindicate your rights, expelled from the Union, and driven from it without ceremony and without authority?

I said that I thought that there was no right on the part of one or more of the States to secede from this Union. I think that the Constitution of the thirteen States was made, not merely for the generation which then existed, but for posterity, undefined, unlimited, permanent, and perpetual — for their posterity, and for every subsequent State which might come into the Union, binding themselves by that indissoluble bond. It is to remain for that posterity now and forever. Like another of the great relations of private life, it was a marriage that no human authority can dissolve or divorce the parties from; and, if I may be allowed to refer to this same example in private life, let us say what man and wife say to each other: "We have mutual faults; nothing in the form of human beings can be perfect. Let us then be

kind to each other, forbearing, conceding; let us live in happiness and peace."

Mr. President, I have said what I solemnly believe — that the dissolution of the Union and war are identical and inseparable; that they are convertible terms.

Such a war, too, as that would be, following the dissolution of the Union! Sir, we may search the pages of history, and none so furious, so bloody, so implacable, so exterminating, from the wars of Greece down, including those of the Commonwealth of England, and the Revolution of France — none, none of them raged with such violence, or was ever conducted with such bloodshed and enormities, as will that war which shall follow that disastrous event — if that event ever happens — of dissolution.

And what would be its termination? Standing armies and navies, to an extent draining the revenues of each portion of the dissevered empire, would be created; exterminating wars would follow — not a war of two nor three years, but of interminable duration — an exterminating war would follow, until some Philip or Alexander, some Cæsar or Napoleon, would rise to cut the Gordian knot, and solve the problem of the capacity of man for self-government, and crush the liberties of both the dissevered portions of this Union. Can you doubt it? Look at history — consult the pages of all history, ancient or modern; look at human nature — look at the character of the contest in which you would be engaged in the supposition of a war following the dissolution of the Union, such as I have suggested — and I ask you if it is possible for you to doubt that the final but perhaps distant termination of the whole will be some despot treading down the liberties of the people? — that the final result will be the extinction of this last and glorious light, which is leading all mankind, who are gazing upon it, to cherish hope and anxious expectation that the liberty which prevails here will sooner or later be advanced throughout the civilized world? Can you, Mr. President, lightly contemplate the consequences? Can you yield yourself to a torrent of passion, amidst dangers which I have depicted in colors far short of what would be the reality, if the event should ever happen? I conjure gentlemen — whether from the South or the North, by all they hold dear in this world — by all their love of liberty — by all their veneration for their ancestors — by all their regard for posterity — by all their gratitude to him who has bestowed upon them such unnumbered

blessings — by all the duties which they owe to mankind, and all the duties they owe to themselves — by all these considerations I implore them to pause — solemnly to pause — at the edge of the precipice before the fearful and disastrous leap is taken in the yawning abyss below, which will inevitably lead to certain and irretrievable destruction.

And, finally, Mr. President, I implore, as the best blessing which heaven can bestow upon me on earth, that if the direful and sad event of the dissolution of the Union shall happen, I may not survive to behold the sad and heart-rending spectacle.

JOHN M. CLAYTON

(1796–1856)

JOHN MIDDLETON CLAYTON, remembered chiefly because of his connection with the Clayton-Bulwer treaty, was a jurist and statesman whose leadership among the Whigs of his time was a concession to his talents rather than to the political importance of his State. Born in Sussex County, Delaware, July 24th, 1796, he was elected a United States Senator from Delaware as early as 1829 and remained in the Senate until he resigned in 1837 to serve as Chief-Justice of his State. After serving again in the Senate (1845–49) he became Secretary of State in President Taylor's cabinet in 1849. He held that office till he had concluded the negotiation of the Clayton-Bulwer treaty, and was then returned to the Senate (1851) where he zealously defended the treaty and continued to be prominent in the debates until his death at Dover, Delaware, November 9th, 1856.

THE CLAYTON-BULWER TREATY AND «EXPANSION»

(From a Speech in the United States Senate, March 18th, 1853)

ALL the objections of the Senator [Douglas] dwindle down at last, as I have said, to a single point — that the treaty ought to have been a treaty for the exclusive right of way across the isthmus; that the error of the treaty of 1850 is, that while it obtains protection from all nations, it makes a navigable highway for all nations on the same terms; and we see that if he had negotiated the treaty, he would have obtained an exclusive right; and he stood up here in defense of the treaty of Mr. Hise, which would have secured to this Government (if it had been ratified by Nicaragua and the United States) an exclusive right. What sort of an exclusive right is it that he demands? He thinks that the Government of the United States should have obtained the grant — the right to make a canal, and an exclusive right to navigate it; that forts should be built at both ends to protect it; and of course that we should protect it by every other means necessary. When the Government shall have made it,

and when the Government shall have established the forts, the canal, he says, will be open to everybody on the same terms; and thus he seeks the exclusive grant of a right of way! What does he want with it? Why does he prefer it to the plan adopted, of opening the canal to all nations on the same terms? The Senator says he would hold it as a rod — yes, a rod, to compel other nations to keep the peace! He would have no more settling of islands on the coast of Central America! If any government attempted it, he would shut his canal to them! He would also compel all foreign nations to treat us with all respect and regard, by means of the tremendous rod which he would hold in his hands! Let us look a little into the justice of this thing, as regards our own country.

It has been supposed that the construction of this great work will cost fifty or a hundred millions of dollars. I suppose we could not build a proper fortification at each end under less than a million of dollars for each fort. We would be compelled to maintain a garrison there; and, in the event of a war, to maintain a large navy, such a one as could resist the naval powers of the earth. If we were to go to war with France, or England, or any other great naval power, that, of course, would be one of the first points of attack. How convenient would it be for us to defend it at a distance of two thousand miles, and send troops to the different forts, and ships to protect our vessels that pass through the canal! We build it, and everybody is to have the benefit of the canal on the same terms, in time of peace! In war we alone are to defend it! The interest on a hundred millions would be six millions a year. The expenses of protecting and taking care of the canal and keeping it in good order would probably, when added to the interest, make an annual outlay from the Treasury of the United States, in that distant country, of not less than ten millions of dollars. Now, why should we make such an expenditure? Because we want a rod — a rod! Sir, I think it would prove to be a rod to inflict injuries upon ourselves. We want nothing but the right of way there. We proposed that no nation should go through that canal, unless she agreed to protect it. In case they agreed to protect it, we should want no forts, no garrisons, and no naval force to guard what none could attack. But, on the other hand, if we were to adopt the plan of the Senator, we should have to keep a standing army in that country to protect it, in the event of a war between us and for-

eign nations. What would be thought of a man who should purchase a farm, and then, after he had gone to the expense of putting it in order, invite everybody to come and till it, but should direct them to take care that they should pay no part of the expense of keeping up the repairs, nor any part of the taxes upon the land? I do not know that this or any other illustration can make his proposition seem more preposterous than it does on its own mere statement. . . .

The Senator from Illinois said "that treaties could not fetter or confine the limbs of this giant Republic." I do not know precisely the extent to which he meant to be understood; but the language and the manner in which the Senator applied it seemed to me to go to this extent: that we had a country exempt from the obligations of treaties, and that our limbs cannot be circumscribed by treaties. We were to disregard obligations of that description, being, like a "young giant," rising in power beyond anything that had been known in the history of the world before. The Senator made the same remark in reference to the treaty with Mexico. There is a clause in the treaty of Guadalupe Hidalgo to which the Senator made great objection at the time of its ratification, in effect, that without the consent of the governments of both countries, the line established by that treaty as the boundary between them, should be the *ultima thule* — the utmost limit of our territory. Yes, sir, we plighted our faith and honor in that treaty, confirmed as it was by more than two-thirds of the American Senate, that beyond that limit we would never go. Yet the Senator from Illinois says that the day is coming when we shall be compelled to violate the treaty — that treaties cannot fetter our limbs or restrict our limits. Sir, I regretted to hear it, because of the influence of that Senator in his party, as one of their standing candidates for the presidency. I should have regretted to have heard it from any Senator. We form the body that is to ratify all the treaties of the United States. We are the constitutional advisers of the President. We are a part of the treaty-making power.

Mr. Douglas — If it gives the Senator any regret that I stated that, I will explain to him what I did state, and thereby, I imagine, relieve him from all his regret. What I said was, that the steady, regular growth and expansion of this country would, in all probability, go ahead in the future as it has done in the past; that you might make as many treaties as you please, and

still they would not check our growth, and because they could not, it was useless to make treaties which must, of necessity, be violated; hence I argued against the making of treaties pledging our faith not to do that which inevitably would be done in the future. It was an argument in favor of the fidelity and observance of treaty stipulations, and that we should not, therefore, be so profuse in our pledges in cases where we could not fulfill them.

Mr. Clayton — An argument in favor of fidelity and observance of treaty stipulations, indeed! The idea is that we are incapable, from the nature of our institutions or our character as a people, of maintaining and observing treaties.

Mr. Douglas — No, sir.

Mr. Clayton (laughing) — We must grow, says the Senator. Our "manifest destiny," he means, is to extend our limits.

Mr. Douglas — The idea is, that some men are incapable of comprehending the growth of this nation. A few years ago, it was supposed that we could never extend beyond the Alleghanies. There were those who thought that —

Mr. Clayton — I have heard all that a dozen times.

Mr. Douglas — Then the Mississippi, then the Pacific was the boundary. I said that the same laws which have carried us forward must inevitably carry us further in the process of time, and that that growth will go on; and consequently it is unwise to make a treaty stipulation pledging ourselves not to do that which our interest may require us to do.

Mr. Clayton — I have given the Senator so many opportunities for explaining himself to me, as he terms it, that now I must be permitted to explain him to himself. . . . He insists upon it, that by some irresistible influence we are driven on in our course to such a degree of greatness that we shall be compelled to violate the treaties which we may make with foreign nations in regard to boundaries. We ought, he said, to nullify the treaty of 1850 at once. He now says that some men cannot comprehend the growth of this giant Republic. I do not know that there is any man of ordinary intelligence who does not comprehend it. There is no difficulty in understanding it. We have grown to such an extent already that we have a country greater than Rome possessed in her palmiest days. We cover a contiguous territory greater, perhaps, than ever was enjoyed by any civilized nation on earth. And yet we are told that we are not capable

of binding ourselves even by treaty stipulations to observe our plighted faith, and fulfill our solemn engagement of honor. I remonstrate against the declaration of such a principle, or rather of such a want of all principle. It is nothing more nor less than this,—let there be as many explanations on the part of the Senator from Illinois as he may choose to make,—that we are incapable of controlling our impulses and passions when our interests may lead us to violate our engagements. "Treaties cannot fetter us," says he. Sir, the plighted faith of every man of honor binds him at all times, no matter what his interest may be, and the plighted faith of nations equally binds them; and the last place from which a contrary principle should be promulgated is the Senate of the United States. Here, I repeat, we sit as the constitutional advisers of the President of the United States; and if foreign nations come to understand that the position is taken by members holding a prominent party position here, that treaties cannot be any restraint upon us, what foreign nation will ever make another treaty with us? If there be a country on earth that owes more than any other to treaties, it is ours. We owe our national existence to the old French treaties of 1778. Sir, within the limits of that great State which you in part represent on this floor [Mr. Cooper in the chair], Washington, in the darkest period of the Revolution, at Valley Forge, wintered with his suffering soldiers, when the intelligence reached them that France had entered into an alliance with us, and had guaranteed our independence. The glorious news ran through all the ranks of the American army, and the great "Father of his Country" stood up and waved his hat, and shouted for joy, in concert with his troops! Our destiny from that moment became fixed. Every American saw that we were free, whatever doubt he might have entertained about it before. We owe, I repeat, our national independence to treaties. And now, when we are becoming strong, shall we forget it? Shall not an American statesman adhere to treaties with as much fidelity as an Englishman, or a Frenchman, or one of any other nation? Shall he not rejoice that his country does stand by her honor? I trust that no idea of our growing importance, or of the necessity of our enlargement, will ever sink into the heart of any other American Senator, to induce him to abandon that principle without which our country would become a byword and a hissing among the nations.

If we must gain more territory, let us gain it honorably. The Senator from Illinois boasts that he opposed the treaty with Mexico. I recollect it very well, and I recollect the reason he gave for voting against it. It was the very reason which he assigned in the debate here for desiring to annul the treaty of 1850. He opposed that clause in the Mexican treaty which fixed the limits beyond which we could not go, and he cannot explain away his position, or shift it any longer. He then said the time would come when Mexico would become indispensable to our progress and our happiness. I would recall to the recollection of gentlemen who were present on the ninth day of February, 1847, the speech made by Mr. Calhoun, of South Carolina, on this very subject. In thrilling tones he gave utterance to views which seemed to carry conviction to the hearts of nine-tenths of those who heard him, and told us that Mexico was to us forbidden fruit. Whenever the day shall come that, in defiance of treaty limits or otherwise, we set about the business of annexing nine or ten millions of Mexicans to the United States, the days of our Republic will be numbered. The Mexican people are educated in the belief that no greater curse can befall a nation than that of slavery, and are said to be bound by treaty to abolish it. Could we permit them to take a part in the election of our Representatives and Senators in Congress? Could we admit them to assist in governing us? Sir, without any reference to that dangerous question to which I have barely alluded, there are many other questions on which they would have a powerful influence and an interest in deciding against us. I am utterly opposed to annexing them, and I do not hesitate to express that opposition now and at all times. The true policy of this Government is to build up Mexico as a republic, to sustain and cheer her by kind offices, and to teach her, by our example, the science of self-government. If we could annex other countries as England does, or as Rome did when she was triumphing over the world, the whole subject might receive another consideration. Whenever we annex, we make citizens of the people whom we unite to us. We do not enslave them. Other countries may make slaves of those whom they subdue, and never permit them to take any part in the government of their conquerors. If we annex Mexico, we are compelled, in obedience to the principles of our own Declaration of Independence, to receive her people as citizens. Yes! Aztecs, Creoles, Half-Breeds, Quadroons, Samboes,

and I know not what else,—"ring-streaked and speckled,"—all will come in, and, instead of our governing them, they, by their votes, will govern us. Why do we want them or their territory? Are we cramped? Are we crowded? Have we more population than is necessary to fill the land which we already own? There is not a more sparsely populated country on earth which is inhabited by civilized men. We have hundreds of millions of acres of land upon which the foot of a white man never trod. When, in the lapse of time, all this shall be covered, then if we find men of our own race and class capable of sustaining our institutions and of self-government, in any contiguous territory which can be acquired without the violation of any principle of justice or humanity, I am not one that would stay the honorable progress of my country.

The day, however, will never come when an American Senator will be justified in the declaration that we intend to disobey treaties. No, sir; we have been, and mean to remain, faithful to treaties. We have often been accused of having violated them; but the honor of our country is yet dear to us, and it is worth more to the true American than all the land that Mexico and Central America contain.

The Senator objects to the treaty of 1850, because, under its provisions, we cannot annex the Central American States. Were there no such treaty, he could not annex them till he had first overrun Mexico, and broken the treaty of Guadalupe Hidalgo. Nay, he must first annex the West India Islands, and British Honduras, too. After "swallowing Mexico," he must take in all the other intermediate countries; and as Great Britain owns many of the islands and dependencies to be devoured, he must include the British Lion — a matter not quite so easy of digestion. What an intimation is it for us to make to the world, that we may some day annex these weak little sister Republics, thousands of miles away from us, with a population so different from ours, especially in laws, institutions, and usages! I would much rather other nations should know the fact that San Salvador, one of these very Central American States, once applied for admission into our Union, and that our Government not only declined to receive them, but treated the application as one not worthy of a moment's serious regard.

I heard with pleasure and admiration that passage in the inaugural address of the President which declared that his admin-

istration should leave no blot upon his country's record, and that no act within his constitutional control would be tolerated which could not challenge a ready justification before the tribunal of the civilized world. How great the difference between that and the sentiments of the Senator from Illinois! Let the President adhere to these principles, and he will thereby disarm opposition; he will make of those who have heretofore been strong political opponents some of the warmest friends he has in the world. I put this declaration in contrast with all these gigantic ideas [laughter] of breaking treaties, and going beyond the limits of the country in defiance of them. But if the President should, in opposition to all our hopes and belief, be induced to disregard the faith of treaties, he will hardly progress through half the period of his constitutional term before he will find the great heart of the American people, which is honest to the core, opposed to him, and the most sincere of his present friends will vindicate the justice of the sentence against him, while they sorrow for his fall.

JUSTICE THE SUPREME LAW OF NATIONS

(From a Speech on the Mexican War. United States Senate, January 11th and 12th, 1848)

I NEVER have been, and I am not now, willing to acquire one acre of ground from Mexico, or any other nation under heaven, by conquest or robbery. I hold that, in all our transactions with the other nations of the world, the great principle ought to be maintained by us that "Honesty is the best policy," and that an honorable reputation is of more value to a country than land or money. I hold that any attempt on our part, merely because we happen to possess superior strength, to compel a weaker nation to cede to us all that we choose to demand as indemnity, while we at the same time admit that we ask for more than she owes us, is nothing else but robbery. If a man owe me a sum of money, and I meet him on the highway, and insist, with a pistol pointed at his breast, that he shall deliver to me a deed of his farm, at the estimate which I choose to put upon it, I think there could not be much difference of opinion as to the nature of that transaction. I should like to know how my friend from Maryland, who is an able lawyer,

would defend the man guilty of such conduct. Would it be any palliation, or excuse, or justification of the conduct of an offender in such a case, that some money was justly due him? Could there be found in Christendom a court and jury that would hesitate as to the verdict in such a case? And what, let me ask,— as a friend near me [Mr. Webster] suggests,— what would be the value of the deed obtained under such circumstances? If the possessor of it should even go "unwhipt of justice," would he not be the object to which the scornful finger of every honest man would be pointed, so long as he lived upon earth? I hold— and, however old-fashioned the notion may be, I shall maintain it so long as I have a seat here — that character is as valuable to a nation as it is to an individual; and inasmuch as I would scorn as a private citizen to despoil my neighbor of his property in these circumstances and with these avowals, so, as a public man, I never can sanction, in the slightest degree, such a course of conduct on the part of the government of the country.

We are one of the strongest nations of the earth. We have been amongst the weakest. In times gone by, we have suffered from the cruelty, the tyranny, and injustice of other nations, and have uttered loud complaints. We have now waxed strong and can put our foot upon the neck of a sister republic, and compel her to yield to the terms we ourselves dictate. The question now comes up, and it addresses itself to every genuine lover of his country, whether the acquisition of all this territory, under these circumstances, would compensate us for the loss of the reputation — that high national character which we have hitherto sustained?

JEREMIAH CLEMENS

(1814–1865)

WHEN the issues of sectional supremacy were so joined between the North and South as to make civil war or further concessions on both sides inevitable, it was believed by some that all inconvenient issues at home could be indefinitely postponed by forcing foreign war. In that connection, the annexation of Cuba, Porto Rico, the Central American States, Mexico, and Canada, were discussed as a part of what was called "the manifest destiny" of the Anglo-Saxon race in America. It was charged that this policy "originated with the Southern slave-owners," but one of the most effective protests ever made against it was the speech delivered in the United States Senate, February 7th, 1853, by Jeremiah Clemens, of Alabama. Mr. Clemens has not generally been classed among the greatest statesmen of his time, but no one will read a dozen of his sentences without seeing that he has the oratorical faculty highly developed. He was born in Huntsville, Alabama, December 28th, 1814. Educated at La Grange College and the University of Alabama, he studied law at the University of Transylvania, in Kentucky. Entering public life in 1838 as United States Attorney for the Northern District of Alabama, he served afterwards in the State Legislature, and in the Mexican War as a Lieutenant-Colonel. Returning in 1843, he was re-elected to the Legislature. From 1849 till 1853 he represented Alabama in the United States Senate. He died May 21st, 1865.

CUBA AND "MANIFEST DESTINY"

(From a Speech in the United States Senate, February 7th, 1853)

DANGER does not threaten us from abroad. In that quarter the skies are clear and bright. It is at home that the symptoms of an approaching hurricane are manifest. These symptoms are everywhere about us and around us. They may be found in the restless and disturbed state of the public mind; in the speeches of dinner orators, dignifying war with the name of "progress," and clothing wholesale robbery with the mantle of patriotism. They might have been seen in the frenzied enthusiasm which followed the footsteps of that sturdy

beggar, Louis Kossuth and in the wild and reckless attempts of American citizens to take possession of the island of Cuba. Sir, I deplore their fate as much as any man can, and condemn as strongly the cruel and barbarous conduct of the Spanish governor. I but refer to them as evidence of a state of things to which all eyes ought to be directed. And last, sir, though not least, the signs of this danger may be found in the ill-regulated, but fierce and strenuous, efforts of "Young America" to bring about a war with anybody or upon any pretext.

All these things indicate that a spirit of change is abroad in the land. I may be told that word is written on every earthly thing. Perhaps it may be so; but justice, honor, mercy, are the children of God, and know no change. In the sublime morality of the Christian's creed we may find a guide for our footsteps which cannot lead to error: "Do unto others as ye would they should do unto you." It is not in the Book of Revelations that we are taught to covet the goods of our neighbors. It is not there we are encouraged to indulge a lawless spirit of war and conquest. We do not learn from thence the duty of progressing backward from a peaceful age to a period of barbarism, when the strong hand was the only law, and the steel blade the only arbiter of disputed questions.

Sir, I have heard much of this thing called progress. In the eyes of some gentlemen it covers all defects and makes atonement for every error. I am not its enemy, but I wish to know exactly what it means, and in what direction I am to progress. If it means that glorious spirit which sweeps abroad upon the wings of peace, shedding life and light and happiness on the land and on the sea; which sends the missionary among the heathen, and gathers the infidel and the unbeliever beneath the Gospel's ample shield; which doubles the productions of earth, and lays bare the treasures of ocean; which plants the church of God in the wilderness of the West, and substitutes the Sabbath bell for the howl of the panther; which carries literature and science to the log cabin of the pioneer, and connects every part of this wide Republic by links so strong, so close, that the traveler feels every spot he treads is home, and every hand he grasps a brother's hand,—if this be the progress which is meant, most gladly do I enlist under its banner.

But, sir, I am not permitted so to understand it. I understand progress, as interpreted by modern politicians, to be quite

a different thing. The first lesson they inculcate is a sort of general defiance to all mankind; an imitation of the worst practice of olden chivalry — the practice of hanging a glove in some public place as a challenge to every passer-by to engage in mortal combat — a practice, in no degree based upon wrongs to be redressed, or injuries to be avenged, but upon a pure, unmitigated love of blood and strife. They have borrowed also from the crusaders another vicious and indefensible habit — that of impoverishing themselves at home to raise the means of transportation to other lands to erect altars and inculcate principles by the edge of the sword. They propose to grasp the territory of an old and faithful ally, not only without the shadow of a claim, but without even the robber's plea of necessity; to hush the busy hum of commerce; to withdraw the artisan from his workshop, the laborer from his field, the man of science and the man of letters from their high pursuits; to convert the whole land into one vast camp, and impress upon the people the wild and fierce character of the followers of King Clovis.

Sir, I wish to indulge in no exaggerated statements, but let us, in the cant phraseology of the day, "establish a foreign policy." Let us set about convincing the world that we are indeed "a power upon earth." Let us rob Spain of Cuba, England of Canada, and Mexico of her remaining possessions, and this continent will be too small a theatre upon which to enact the bloody drama of American progress! Like the Prophet of the East, who carried the sword in one hand and the Koran in the other, American armies will be sent forth to proclaim freedom to the serf; but if he happen to love the land in which he was born, and exhibit some manly attachment to the institutions with which he is familiar, his own lifeblood will saturate the soil, and his wife and children be driven forth as houseless wanderers, in proof of our tender consideration for the rights of humanity. Sir, this is a species of progress with which Satan himself might fall in love.

Mr. President, there are in this connection still other lights in which the question before us may be presented. Look at America as she now is, prosperous in all things, splendid, magnificent, rich in her agriculture, rich in her commerce, rich in arts and sciences, rich in learning, rich in individual freedom, richer still in the proud prerogative of bending the knee to none but the God who made us, and of worshiping even in his tem-

ples according to the forms which conscience, not the law, has prescribed. Gaze upon that picture until your soul has drunk in all its beauty, all its glory, and then let me paint for you that which is offered as a substitute. Look upon a land where war has become a passion, and blood a welcome visitant; where every avenue to genius is closed save that which leads through a field of strife; where the widow and the orphan mingle unavailing tears for the husband and the father; where literature has become a mockery and religion a reproach; upon a people, strong indeed, but terrible in their strength, with the tiger's outward beauty and the tiger's inward fierceness; upon a people correctly described by the poet when he said:—

> "Religion, blushing, veils her sacred fires,
> And unawares morality expires;
> Nor public flame, nor private, dares to shine,
> Nor human spark is left, nor glimpse divine.
> Lo! thy dread empire, Chaos, is restored,
> Light dies before thy uncreating word;
> Thy hand, great Anarch, lets the curtain fall,
> And universal darkness buries all."

Let no one tell me that these are imaginary dangers. At the commencement of the French Revolution, if any one predicted the excesses to which it gave birth, he would have been regarded as a madman. What security have we against the occurrence of similar scenes? We are human, as they were. Our law of being is the same; and if we once depart from the plain path of prudence and of rectitude, no human wisdom can foresee the result.

The present acquisition of Cuba, in my opinion, in any way, is of questionable propriety; but if it is to come to us as the result of war and violence, instead of a blessing it will prove a deadly ill. When Caractacus was carried to Rome to grace the triumph of his conqueror, he gazed with wonder and awe upon the splendor and magnificence with which he was surrounded. Then, turning to the Emperor, he expressed his simple wonder that one so rich, so powerful, so blessed with the possession of everything that earth could bestow, should have envied him his humble cottage home in the forests of Britain. . . .

Mr. President, I need not say that I do not intend to vote for these resolutions. The one which announces our purpose not to

take possession of Cuba by fraud or violence is certainly, that far, in accordance with my own feelings; but I do not see the necessity of making the declaration. It seems to me to be both undignified and unmanly to be making constant protestations of our honesty. Let us show the world by our acts that we are honest, and leave all such declarations to those whose doubtful character requires some such bolstering. Nor do I think the reaffirmation of the Monroe Doctrine would add to its importance. Our policy has long ago been announced to the world, and this restless desire to reiterate it upon all occasions looks to me somewhat as if we doubted our own resolution, and required a few legislative resolves to keep up our courage.

The Senator from Michigan has expressed considerable surprise at what he terms our shrinking from meeting the questions raised by his resolutions. Sir, there may be other causes than fear which render us reluctant to vote for them. When a boy I read a story of the civil wars of England, which taught me a lesson not yet forgotten. An adherent of the Parliament had been cruelly treated by one of the opposite party. His houses had been burned down, and his fields made desolate. Some time afterwards he met an acquaintance to whom he told the story of his wrongs. It was done simply and plainly, without a single threat or execration. When he had finished, his friend asked him with surprise, "And did you not vow revenge?" "No," was the reply; "those who take the trouble to make vows are very certain that a time will come when they will need a vow to steady their purposes. I never doubted what I would do, and I made no vows." Sir, there was more danger in one such man than a whole regiment of noisy babblers. Silence is almost invariably the concomitant of determined resolution; and the world will be quite as likely to believe us in earnest, and will respect us as much for refusing to pass, year after year, a series of threatening resolutions.

Mr. President, I find that I am taxing my strength too much, and I must soon close. The pilgrim who, in obedience to a vision oftentimes repeated, seized his staff and set out in search of a land in which he had been promised all the joys of Paradise, after traversing many lands, steadily pursuing his dangerous way through forests, deserts, and jungles, reached at last the only mountain which shut out from his gaze the promised land. Slowly he commenced the ascent; then paused, overcome by con-

tending emotions. If from that mountain top he should indeed look upon a valley, such as had appeared to him in his dreams, beautiful and glorious, where the flower had lost its thorn, where the sweetest melodies were continually poured into the ear, and the very air was redolent with perfume, how cheaply would it be purchased even by all the toils and dangers he had encountered. But then came the fear that his dream had deceived him; that he might find a barren waste of thorns and brambles, desert, cheerless, and inhospitable. Anxious to know the truth, yet dreading to have it revealed, he stood upon the mountain side unable to advance or to recede. Even such emotions, Mr. President, might now well swell the American bosom. We have reached the hillside from whose top the future of America may be viewed. But who can ascend it without a feeling of doubt and terror? Is it to be the America which all of us loved to paint in our boyish days — free, happy, and prosperous, inculcating by its precepts, and enforcing by its example, a deep love of law and order; offering a refuge and asylum to the fugitive from oppression; cultivating with assiduous care the arts of peace, and illustrating all the mild beauties of Christianity? Or is it to be that America which "progress," "manifest destiny," and "overruling necessity," are now seeking to make it, where freedom will be lost amid the clash of arms, and the wail of every good spirit will rise above the crushed and broken hope of man's capacity to govern himself? Sir, it is in our action that the answer must be found. Our country is at stake, and he who loves it as he ought should pause and ponder long and well before tampering, in any way, with so high and holy a trust.

CLEON

(?)–422 B. C.

LEON has been called "the scorn and terror of all good men at Athens." Cicero characterizes him as turbulent, but eloquent, and he is generally classed as a typical Athenian demagogue. Perhaps much of his evil reputation is due to the comedies of Aristophanes, in which he was violently attacked. It is said that the poet had a private grudge against him, because of a complaint made to the Athenian Senate that the "Babylonians" held Athenian institutions up to ridicule. However this may be, Cleon, though the son of a tanner, and rude enough in his methods, was certainly not wholly a demagogue in the modern sense, for in his speech against the Mityleneans, reported by Thucydides, he begins by boldly questioning the fitness of the turbulent Athenian democracy to rule subject colonies. The date of Cleon's birth is uncertain. He became noted at Athens after the death of Pericles as the leader of the Athenian Democrats against the Aristocratic party under Nicias. In 425 B. C. he carrried on a successful campaign against the Spartans, but in 422 B. C., when put at the head of the expedition against Brasidas, the Lacedæmonian commander, he was defeated and killed at Amphipolis.

DEMOCRACIES AND SUBJECT COLONIES

(From the Speech Against Mitylene as Reported by Thucydides in the Third Book of the Peloponnesian War)

UPON many other occasions my own experience hath convinced me that a democracy is incapable of ruling over others, but I see it with the highest certainty now in this your present repentance concerning the Mityleneans. In security so void of terror, in safety so exempt from treachery, you pass your days within the walls of Athens, that you are grown quite safe and secure about your dependants. Whenever, soothed by their specious entreaties, you betray your judgment or relent in pity, not a soul amongst you reflects that you are acting the dastardly part, not in truth to confer obligations upon those dependants, but to endanger your own welfare and safety. It is then quite

remote from your thoughts, that your rule over them is in fact a tyranny, that they are ever intent on prospects to shake off your yoke — that yoke, to which they ever reluctantly submitted. It is not forgiveness on your part, after injuries received, that can keep them fast in their obedience, since this must be ever the consequence of your own superior power, and not of gratitude in them.

Above all, I dread that extremity of danger to which we are exposed, if not one of your decrees must ever be carried into act and we remain forever ignorant that the community which uniformly abides by a worse set of laws hath the advantage over another which is finely modeled in every respect except in practice; that modest ignorance is a much surer support than genius which scorns to be controlled, and that the duller part of mankind in general administer public affairs much better than your men of vivacity and wit. The last assume a pride in appearing wiser than the laws; in every debate about the public good they aim merely at victory, as if there were no other points sufficiently important wherein to display their superior talents; and by such conduct they generally subvert the public welfare; the former, who are diffident of their own abilities, who regard themselves as less wise than the laws of their country — though unable to detect the specious orator, yet being better judges of equity than champions in debate, for the most part enforce rational conduct. This beyond denial is our duty at present; we should scorn competitions in eloquence and wit, nor willfully and contrary to our own opinion mislead the judgment of this full assembly.

For my part, I persist in my former declarations, and I am surprised at the men who propose to have the affair of Mitylene again debated, who endeavor to protract the execution of justice, in the interest of the guilty more than of the injured. For by this means the sufferer proceeds to take vengeance on the criminal with the edge of his resentment blunted; when revenge, the opposite of wrong, the more nearly it treads upon the heels of injury, generally inflicts the more condign punishment. But I am more surprised at him, whoever he be, that shall dare to contradict, and pretend to demonstrate, that the injuries done by the Mityleneans are really for our service, and that our calamities are hardships on our dependants. He certainly must either presume upon his own eloquence, if he contends to prove that what was plainly decreed was never decreed; or, instigated by lucre,

will endeavor to seduce you by the elaborate and plausible artifice of words. In such contentions, the State, indeed, awards the victory to whom she pleaseth, but she sustains all the damage herself. You are answerable for this, Athenians — you, who fondly dote on these wordy competitions — you, who are accustomed to be spectators of speeches and hearers of actions. You measure the possibility of future effects by the present eloquence of your orators; you judge of actions already past, not by the certain conviction of your own eyes, but the fallible suggestions of your ears, when soothed by the inveigling, insinuating flow of words. You are the best in the world to be deceived by novelty of wit, and to refuse to follow the dictates of the approved judicious speaker,— slaves as you are to whatever trifles happen always to be in vogue, and looking down with contempt on tried and experienced methods. The most earnest wish that the heart of any of your body ever conceived is to become a speaker; if that be unattainable, you range yourselves in opposition against all who are so, for fear you should seem in judgment their inferiors. When anything is acutely uttered, you are ready even to go before it with applause, and intimate your own preconception of the point, at the same time dull at discerning whither it will tend. Your whole passion, in a word, is for things that are not in reality and common life; but of what passeth directly before your eyes you have no proper perception. And, frankly, you are quite infatuated by the lust of hearing, and resemble more the idle spectators of contending sophists than men who meet to deliberate upon public affairs. From such vain amusements, endeavoring to divert you, I boldly affirm that no one city in the world hath injured you so much as Mitylene. . . .

It is the usual effect of prosperity, especially when felt on a sudden, and beyond their hope, to puff up a people into insolence of manners. The successes of mankind, when attained by the rational course, are generally of much longer continuance than when they anticipate pursuit. And in a word, men are much more expert at repelling adversity than preserving prosperity. By this ought we long ago to have adjusted our conduct towards the Mityleneans, never distinguishing them above others with peculiar regard; and then they never would have been that insolent people we have found them now. For so remarkably perverse is the temper of man, as ever to contemn whoever courts him, and admire whoever will not bend before him. Let condign punishments therefore be awarded to their demerits. . . .

CLEVELAND AND HIS SECOND CABINET.

Photogravure after a Photograph by Bell. Copyright by C. M. Bell.

IN THE rear, on Mr. Cleveland's right, are John G. Carlisle, Secretary of the Treasury; Judson Harmon, Attorney-General; Hilary A. Herbert, Secretary of the Navy; J. Sterling Morton, Secretary of Agriculture; and Hoke Smith, Secretary of the Interior. The three cabinet members in the immediate foreground are Richard Olney, Secretary of State (next to Mr. Cleveland); Daniel S. Lamont, Secretary of War; and William L. Wilson, Postmaster-General.

GROVER CLEVELAND

(1837–)

GROVER CLEVELAND was born at Caldwell, Essex County, New Jersey, March 18th, 1837. He was educated at the common schools, and admitted to the bar in 1859. His first public position was that of Assistant District Attorney in Erie County, New York, from 1863 till 1866. After being defeated as a candidate for District Attorney in 1865, he remained in private life until 1870, when he was elected Sheriff. In 1881 he was elected Mayor of Buffalo on the Democratic ticket, and the prominence he gained as a reformer during his administration resulted in his election as Governor of New York. Serving as Governor from 1883 till 1884, he was nominated by the Democrats for the Presidency and elected President in 1884. Defeated for a second term in 1888, he was renominated and re-elected in 1892. After the expiration of his term, in 1897 he retired to Princeton, New Jersey.

FIRST INAUGURAL ADDRESS

(Delivered March 4th, 1885)

Fellow-Citizens: —

IN THE presence of this vast assemblage of my countrymen, I am about to supplement and seal by the oath which I shall take the manifestation of the will of a great and free people. In the exercise of their power and right of self-government they have committed to one of their fellow-citizens a supreme and sacred trust, and he here consecrates himself to their service.

This impressive ceremony adds little to the solemn sense of responsibility with which I contemplate the duty I owe to all the people of the land. Nothing can relieve me from anxiety lest by any act of mine their interests may suffer, and nothing is needed to strengthen my resolution to engage every faculty and effort in the promotion of their welfare.

Amid the din of party strife the people's choice was made, but its attendant circumstances have demonstrated anew the

strength and safety of a government by the people. In each succeeding year it more clearly appears that our democratic principle needs no apology, and that in its fearless and faithful application is to be found the surest guaranty of good government.

But the best results in the operation of a government wherein every citizen has a share largely depend upon a proper limitation of purely partisan zeal and effort and a correct appreciation of the time when the heat of the partisan should be merged in the patriotism of the citizen.

To-day the executive branch of the Government is transferred to new keeping. But this is still the Government of all the people, and it should be none the less an object of their affectionate solicitude. At this hour the animosities of political strife, the bitterness of partisan defeat, and the exultation of partisan triumph should be supplanted by an ungrudging acquiescence in the popular will and a sober, conscientious concern for the general weal. Moreover, if from this hour we cheerfully and honestly abandon all sectional prejudice and distrust, and determine, with manly confidence in one another, to work out harmoniously the achievement of our national destiny, we shall deserve to realize all the benefits which our happy form of government can bestow.

On this auspicious occasion we may well renew the pledge of our devotion to the Constitution, which, launched by the founders of the Republic and consecrated by their prayers and patriotic devotion, has for almost a century borne the hopes and the aspirations of a great people through prosperity and peace and through the shock of foreign conflicts and the perils of domestic strife and vicissitudes.

By the Father of his Country our Constitution was commended for adoption as "the result of a spirit of amity and mutual concession." In that same spirit it should be administered, in order to promote the lasting welfare of the country and to secure the full measure of its priceless benefits to us and to those who will succeed to the blessings of our national life. The large variety of diverse and competing interests subject to Federal control, persistently seeking the recognition of their claims, need give us no fear that "the greatest good to the greatest number" will fail to be accomplished if in the halls of national legislation that spirit of amity and mutual concession shall pre-

vail in which the Constitution had its birth. If this involves the surrender or postponement of private interests and the abandonment of local advantages, compensation will be found in the assurance that the common interest is subserved and the general welfare advanced.

In the discharge of my official duty I shall endeavor to be guided by a just and unstrained construction of the Constitution, a careful observance of the distinction between the powers granted to the Federal Government and those reserved to the States or to the people, and by a cautious appreciation of those functions which by the Constitution and laws have been especially assigned to the executive branch of the Government.

But he who takes the oath to-day to preserve, protect, and defend the Constitution of the United States only assumes the solemn obligation which every patriotic citizen — on the farm, in the workshop, in the busy marts of trade, and everywhere — should share with him. The Constitution which prescribes his oath, my countrymen, is yours; the Government you have chosen him to administer for a time is yours; the suffrage which executes the will of freemen is yours; the laws and the entire scheme of our civil rule, from the town meeting to the State capitals and the national capital, is yours. Your every voter, as surely as your Chief Magistrate, under the same high sanction, though in a different sphere, exercises a public trust. Nor is this all. Every citizen owes to the country a vigilant watch and close scrutiny of its public servants and a fair and reasonable estimate of their fidelity and usefulness. Thus is the people's will impressed upon the whole framework of our civil polity — municipal, State, and Federal; and this is the price of our liberty and the inspiration of our faith in the Republic.

It is the duty of those serving the people in public place to closely limit public expenditures to the actual needs of the Government economically administered, because this bounds the right of the Government to exact tribute from the earnings of labor or the property of the citizen, and because public extravagance begets extravagance among the people. We should never be ashamed of the simplicity and prudential economies which are best suited to the operation of a republican form of government and most compatible with the mission of the American people. Those who are selected for a limited time to manage public affairs are still of the people, and may do much by their example

to encourage, consistently with the dignity of their official functions, that plain way of life which among their fellow-citizens aids integrity and promotes thrift and prosperity.

The genius of our institutions, the needs of our people in their home life, and the attention which is demanded for the settlement and development of the resources of our vast territory, dictate the scrupulous avoidance of any departure from that foreign policy commended by the history, the traditions, and the prosperity of our Republic. It is the policy of independence, favored by our position and defended by our known love of justice and by our own power. It is the policy of peace suitable to our interests. It is the policy of neutrality, rejecting any share in foreign broils and ambitions upon other continents and repelling their intrusion here. It is the policy of Monroe, and of Washington, and of Jefferson — "Peace, commerce, and honest friendship with all nations; entangling alliance with none."

A due regard for the interests and prosperity of all the people demands that our finances shall be established upon such a sound and sensible basis as shall secure the safety and confidence of business interests and make the wages of labor sure and steady, and that our system of revenue shall be so adjusted as to relieve the people of unnecessary taxation, having a due regard to the interests of capital invested and workingmen employed in American industries, and preventing the accumulation of a surplus in the treasury to tempt extravagance and waste.

Care for the property of the nation and for the needs of future settlers requires that the public domain should be protected from purloining schemes and unlawful occupation.

The conscience of the people demands that the Indians within our boundaries shall be fairly and honestly treated as wards of the Government and their education and civilization promoted with a view to their ultimate citizenship, and that polygamy in the Territories, destructive of the family relation and offensive to the moral sense of the civilized world, shall be repressed.

The laws should be rigidly enforced which prohibit the immigration of a servile class to compete with American labor, with no intention of acquiring citizenship, and bringing with them and retaining habits and customs repugnant to our civilization.

The people demand reform in the administration of the Government and the application of business principles to public affairs. As a means to this end, civil service reform should be

in good faith enforced. Our citizens have the right to protection from the incompetency of public employees who hold their places solely as the reward of partisan service, and from the corrupting influence of those who promise and the vicious methods of those who expect such rewards; and those who worthily seek public employment have the right to insist that merit and competency shall be recognized instead of party subserviency or the surrender of honest political belief.

In the administration of a government pledged to do equal and exact justice to all men, there should be no pretext for anxiety touching the protection of the freedmen in their rights or their security in the enjoyment of their privileges under the Constitution and its amendments. All discussion as to their fitness for the place accorded to them as American citizens is idle and unprofitable except as it suggests the necessity for their improvement. The fact that they are citizens entitles them to all the rights due to that relation and charges them with all its duties, obligations, and responsibilities.

These topics and the constant and ever-varying wants of an active and enterprising population may well receive the attention and the patriotic endeavor of all who make and execute the Federal law. Our duties are practical and call for industrious application, an intelligent perception of the claims of public office, and, above all, a firm determination, by united action, to secure to all the people of the land the full benefits of the best form of government ever vouchsafed to man. And let us not trust to human effort alone, but humbly acknowledging the power and goodness of Almighty God, who presides over the destiny of nations and who has at all times been revealed in our country's history let us invoke his aid and his blessing upon our labors.

DE WITT CLINTON

(1769–1828)

De Witt Clinton was the foremost man in the public life of New York during the first quarter of the nineteenth century, and he no doubt deserves to be called the chief of those whose sagacity and successful efforts lifted her to her position of "Empire State." He was the son of Gen. James Clinton of the Revolution, and nephew of another statesman and general, Gov. George Clinton, of New York, who was Vice-President of the United States from 1805 to 1812. Educated at Columbia College and admitted to the bar at the age of twenty in 1788, he became the secretary of his uncle, Governor Clinton, and one of the rising young men in the dominant Republican party. After serving in both houses of the State legislature, he became United States Senator in 1802. Besides being a Member of the State senate and Lieutenant-Governor [from 1811 to 1813], he was Mayor of the city of New York from 1803 to 1815, with the exception of two short intervals amounting to three years. In 1812 he was defeated as a candidate for the Presidency by James Madison. He then devoted himself to plans for internal improvement of which he had long been a distinguished advocate. The Federal Government having refused to undertake the proposed canals from the Hudson to Lake Erie and Lake Champlain, he presented a memorial which induced the State legislature to enter upon the preliminary steps. On this issue he was elected Governor in 1816, and re-elected in 1819, in 1824, and in 1826. He was born at Little Britain, Orange County, New York, March 2d, 1769, and died February 11th, 1828, at Albany.

FEDERAL POWER AND LOCAL RIGHTS

(Delivered in the New York Constitutional Convention of June 1788. From Elliot's Debates)

I rise, Mr. Chairman, to make a few observations, with a view to obtaining information, and discovering on which side of this important question the truth rests. I have attended with pleasure to the gentlemen who have spoken before me. They appear, however, to have omitted some considerations, which have

tended to convince my mind that the representation in Congress ought to be more comprehensive and full than is proposed by this Constitution. It is said that the representation of this State in the legislature is smaller than the representation of the United States will be in the General Government. Hence it is inferred that the Federal Government, which, it is said, does not embrace more powers than that of the States, will be more favorable to the liberties of the people, on the principle that safety consists in numbers. This appears plausible at first view; but if we examine it we shall discover it to be only plausible. The cases, indeed, are so different as to admit of little comparison; and this dissimilarity depends on the difference of extent of territory. Each State is but a narrow district compared with the United States. The situation of its commerce, its agriculture, and the system of its resources, will be proportionably more uniform and simple. To a knowledge of these circumstances, therefore, every member of the State legislature will be in some degree competent. He will have a considerable share of information necessary for enacting laws which are to operate in every part of the State. The easy communication with a large number of representatives from the minute districts of the State will increase his acquaintance with the public wants. All the representatives, having the same advantages, will furnish a mass of information which will be the securest defense from error. How different will be the situation of the General Government! The body of the Legislature will be totally unacquainted with all those local circumstances of any particular State, which mark the proper objects of laws, and especially of taxation. A few men, possessed of but a very general knowledge of these objects, must alone furnish Congress with that information on which they are to act; and on those few men, in the most interesting transactions, must they rely. Do not these considerations afford reasons for enlargement of the representation?

Another argument may be suggested to show that there will be more safety in the State than in the Federal Government. In the State, the legislature, being generally known, and under the perpetual observation of their fellow-citizens, feel strongly the check resulting from the facility of communication and discovery. In a small territory, maladministration is easily corrected, and designs unfavorable to liberty frustrated and punished. But in large confederacies, the alarm excited by small and

gradual encroachments rarely extends to the distant members, or inspires a general spirit of resistance. When we take a view of the United States, we find them embracing interests as various as their territory is extensive. Their habits, their productions, their resources, and their political and commercial regulations, are as different as those of any nation upon earth. A general law, therefore, which might be well calculated for Georgia, might operate most disadvantageously and cruelly upon New York. However, I only suggest these observations for the purpose of hearing them satisfactorily answered. I am open to conviction, and if my objections can be removed, I shall be ready frankly to acknowledge their weakness. . . .

I declare, solemnly, that I am a friend to a strong and efficient government. But, sir, we may err in this extreme; we may erect a system that will destroy the liberties of the people. Sir, at the time some of these resolves were passed, there was a dangerous attempt to subvert our liberties, by creating a supreme dictator. There are many gentlemen present who know how strongly I opposed it. My opposition was at the very time we were surrounded by difficulties and danger. The people, when wearied with their distresses, will, in the moment of frenzy, be guilty of the most imprudent and desperate measures. Because a strong government was wanted during the late war, does it follow that we should now be obliged to accept of a dangerous one? I ever lamented the feebleness of the Confederation, for this reason, among others, that the experience of its weakness would one day drive the people into an adoption of a constitution dangerous to our liberties. I know the people are too apt to vibrate from one extreme to another. The effects of this disposition are what I wish to guard against. If the gentleman can show me that the proposed Constitution is a safe one, I will drop all opposition. The public resolves which have been read to you are only expressive of the desire that once prevailed to remove present difficulties. A general impost was intended, but it was intended as a temporary measure. I appeal to every gentleman present, if I have not been uniformly in favor of granting an impost to Congress. I confess that, seeing the manner in which that body proposed to exercise the power, I could not agree to it. I firmly believed, that, if it were granted in the form recommended, it would prove unproductive, and would also lead to the establishment of dangerous principles. I believed that

granting the revenue, without giving the power of collection, or a control over our State officers, would be the most wise and prudent measure. These are and ever have been my sentiments.

AGAINST THE MILITARY SPIRIT

(From the Speech of February 23d, 1803, Protesting Against Forcing a War with Spain. Delivered in the United State Senate)

I SHALL not attempt to occupy your attention by threadbare declamation upon the evils of war, by painting the calamities it inflicts upon the happiness of individuals and the prosperity of nations. This terrible scourge of mankind, worse than famine or pestilence, ought not to be resorted to until every reasonable expedient has been adopted to avert it. When aggressions have been committed by the sovereign or representatives of the will of the nation, negotiation ought, in all cases, to be first tried, unless the rights of self-defense demand a contrary course. This is the practice of nations, and is enjoined by the unerring monitor which the God of nature has planted in every human bosom. What right have the rulers of nations to unsheathe the sword of destruction, and to let loose the demon of desolation upon mankind whenever caprice or pride, ambition or avarice, shall prescribe? And are there no fixed laws, founded in the nature of things, which ordain bounds to the fell spirit of revenge, the mad fury of domination, and the insatiable thirst of cupidity? Mankind have, not only in their individual character, but in their collective capacity as nations, recognized and avowed, in their opinions and actions, a system of laws calculated to produce the greatest happiness of the greatest number. And it may be safely asserted that it is a fundamental article of this code that a nation ought not to go to war until it is evident that the injury committed is highly detrimental, and that it emanated from the will of the nation, charged with the aggression, either by an express authorization in the first instance, or by a recognition of it when called upon for redress, and a refusal in both cases to give it. A demand of satisfaction ought to precede an appeal to arms, even when the injury is manifestly the act of the sovereign; and when it is the act of a private individual, it is not imputable to its nation until its government is called upon to explain and redress, and refuses; because the

evils of war are too heavy and serious to be incurred without the most urgent necessity; because remonstrance and negotiation have often recalled an offending nation to a sense of justice and a performance of right; because nations, like individuals, have their paroxysms of passion, and when reflection and reason resume their dominion, will extend that redress to the olive branch, which their pride will not permit them to grant to the sword; because a nation is a moral person, and as such is not chargeable with an offense committed by others, or where its will has not been consulted; the unauthorized conduct of individuals being never considered a just ground of hostility, until their sovereign refuses that reparation for which his right of controlling their actions and of punishing their misconduct necessarily renders him responsible. These opinions are sanctioned by the most approved elementary writers on the laws of nations. I shall quote the sentiments of some of them.

Vattel says: "Two things, therefore, are necessary to render it [an offensive war] just. First, a right to be asserted,—that is, that a demand made on another nation be important and well grounded; second, that this reasonable demand cannot be obtained otherwise than by force of arms. Necessity alone warrants the use of force. It is a dangerous and terrible resource. Nature, the common parent of mankind, allows of it only in extremity, and when all others fail. It is doing wrong to a nation to make use of violence against it, before we know whether it be disposed to do us justice, or to refuse it. Those, who, without trying pacific measures, on the least motive run to arms, sufficiently show that justificative reasons, in their mouths, are only pretenses; they eagerly seize the opportunity of indulging their passions and of gratifying their ambition under some color of right." It is subsequently stated by this admired writer, that "it is demonstrated in the foregoing chapter, that, to take arms lawfully, first, we have a just cause of complaint; second, that a reasonable satisfaction has been denied us, etc."

Burlamaqui says: "However just reason we may have to make war, yet as it inevitably brings along with it an incredible number of calamities, and often injustices, it is certain that we ought not to proceed too easily to a dangerous extremity, which may, perhaps, prove fatal to the conqueror himself. The following are the measures which prudence directs sovereigns to observe in these circumstances: First, supposing the reason of the war is just

in itself, yet the dispute ought to be about something of great consequence to us, since it is better even to relinquish part of our right, when the thing is not considerable, than to have recourse to arms to defend it. Second, we ought to have at least some probable appearance of success; for it would be a criminal temerity, and a real folly, wantonly to expose ourselves to certain destruction, and to run into a greater, in order to avoid a lesser evil. Lastly, there should be a real necessity for taking up arms; that is, we ought not to have recourse to force, but when we can employ no milder method of recovering our rights, or of defending ourselves from the evils with which we are menaced. These measures are agreeable not only to the principles of prudence, but also to the fundamental maxims of sociability, and the love of peace; maxims of no less force, with respect to nations, than individuals. By these a sovereign must, therefore, be necessarily directed; even the justice of the government obliges him to it, in consequence of the very nature and end of authority. For as he ought always to take particular care of the State, and of his subjects, consequently he should not expose them to all the evils with which war is attended, except in the last extremity, and when there is no other expedient left but that of arms." In addition to these great authorities, permit me to refer severally to the opinions of two more modern writers, Martens and Paley. The former says that all amicable means for redress must be tried in vain, before an appeal to arms, unless it is evident that it would be useless to try such means; and the latter is of opinion, that the only justifying causes of war are deliberate invasions of right, and maintaining the balance of power. It is not necessary to decide upon the justice of the last observation, because it does not apply to the case before us. But can any man lay his hand upon his heart, and declare that he believes the present case a deliberate invasion of right by the Spanish government? Can any man say that it would be fruitless to attempt amicable means of redress, and that the sword alone can restore us to our rights?

The opinions of these celebrated writers are corroborated by the general usage of nations. A demand of redress, before the application of force, has been almost uniformly practiced by the most barbarous, as well as the most civilized nations. Instances may, indeed, be found to the contrary, but they are to be considered as departures from established usage. The ancient Romans,

who were a military nation, and who marched to empire through an ocean of blood, always demanded satisfaction from the offending nation before they proceeded to war, and fixed upon a certain time in which the demand was to be complied with; at the expiration of which, if redress was still withheld, they then endeavored to obtain it by force. It has been the general practice of the civilized nations of Europe to promulgate manifestoes justificatory of their conduct, in resorting to arms. These manifestoes contain a full statement of their wrongs, and almost always declare that they had previously endeavored by negotiation to obtain a friendly adjustment of their complaints. What is this but a declaration that the law and the sense of nations demand this course? What is it but an appeal to the intuitive sense of right and wrong, which exists in every human bosom?

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The practice of our government has been uniformly conformable to the principles I have endeavored to establish, and I trust I shall be excused for bestowing particular consideration on this subject. We have heard much of the policy of Washington; it has been sounded in our ears from all quarters, and an honorable gentleman from Delaware [Mr. White] has triumphantly contrasted it with that adopted by the present administration. I am not disposed to censure it in this case; on the contrary, I think it a high and respectable authority; but let it be properly understood, in order to be rightly appreciated, and it will be found that the United States, under his administration, and that of his successor, have received injuries more deleterious, insults more atrocious, and indignities more pointed than the present, and that the pacific measure of negotiation was preferred. If our national honor has survived the severe wounds it then received, it may surely outlive the comparatively slight attack now made upon it; but if its ghost only now remains to haunt the consciences of the honorable gentlemen, who were then in power, and who polluted their hands with the foul murder, let them not attempt to transfer the odium and the crime to those who had no hand in the guilty deed They then stood high in the councils of their country; the reins of government were in their hands; and if the course they at that time pursued was diametrically opposite to that they now urge for our adoption, what shall we say of their consistency? What will they say of it themselves? What will their country say of it? Will it be believed that the tink-

ling sounds and professions of patriotism, which have been so vehemently pressed upon us, are the emanations of sincerity, or will they be set down to the account of juggling imposture?

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A vast augmentation of our national debt would be the certain consequence of this measure. It is a moderate estimate to say that our annual expenditures, over and above our surplus revenue, would be twenty millions of dollars; and we cannot reasonably expect that the war would continue a shorter period than five years. Hence one hundred millions would be added to our debt, and the great experiment, which we are now trying, of extinguishing it in fourteen years, would certainly fail — an experiment which has been defeated in Europe by war and prodigality; and for the success of which, in this country, every friend of republican government looks up with the greatest anxiety. But this is not all; heavy and oppressive taxation would be necessary in order to pay off the interest of the accumulating debt and to meet the other exigencies of government. We are now a happy nation in this respect. Neither the temper nor the habits of our citizens will patiently submit to severe burdens, and happily the posture of our financial arrangements does not require them. Give the rein, however, to chimerical notions of war — embrace the proposition now submitted to us, and the weight of your impositions will be felt in every nerve and artery of our political system. Excises, taxes on houses and lands, will be reintroduced, and the evils of former administrations will be multiplied upon us. But the mischief will not stop here. With the increasing calls for money from the people, their means to satisfy them will be diminished. The superior naval force of the enemy would cripple our commerce in every quarter of the globe. Great Britain and Spain hold the keys of the Mediterranean. We should, therefore, be entirely shut out of that sea, unless we could persuade the former to unite her exertions with ours. With the decay of our commerce, with our exclusion from foreign markets, the labors of our farmers would be palsied, the skill of our manufacturers would be rendered useless, and, with the fruits of their industry perishing on their hands, or greatly undersold, how would they be able to meet the augmented wants of government? What, in the meantime, would become of the claim of our merchants upon Spain, for at least five millions of dollars, and to what perils would your commercial cities be

exposed? These certain evils would be encountered without producing the least benefit to our Western brethren. The seizure of New Orleans would vest us with a place of deposit; but a place of deposit, without the free navigation of the Mississippi, would be entirely useless. As long as the enemy holds the country below New Orleans, and possesses a superior naval force, so long we will be excluded from the Mississippi. Suppose, however, this obstacle removed — suppose we are enabled to pass into the Gulf without molestation, is it not necessary for vessels to hug the island of Cuba on their passage to the Atlantic States? And will not this expose them to certain capture, as long as Spain retains that important possession? To secure the great object said to be aimed at by this resolution, and to establish beyond the reach of annoyance a free communication between the Atlantic and Western States, we must seize not only New Orleans, but the Floridas and Cuba; and we must immediately create a formidable navy. It is needless to mention that the Atlantic States are, with a few exceptions, the carriers of the Western produce. Three-fourths of that trade is managed by the merchants of the State I have the honor to represent. I therefore view this measure as pregnant with great mischief to the commerce of Atlantic America, and as a certain exclusion of the Western States from market as long as the war shall continue.

It is no slight objection in the minds of the sincere friends of republicanism that this measure will have a tendency to disadjust the balance of our government by strengthening the hands of the Executive, furnishing him with extensive patronage, investing him with great discretionary powers, and placing under his direction a large standing army. It is the inevitable consequence of war in free countries, that the power which wields the force will rise above the power that expresses the will of the people. The State governments will also receive a severe shock; those stately pillars which support the magnificent dome of our national government will totter under the increased weight of the superincumbent pressure. Nor will the waste of morals, the spirit of cupidity, the thirst of blood, and the general profligacy of manners, which will follow the introduction of this measure, be viewed by the great body of our citizens without the most fearful anxiety and the most heartfelt deprecation. And if there are any persons in this country, and I should regret if there are

any such in this House, who think that a public debt is a public blessing, and that heavy taxation is expedient in order to produce industry; who believe that large standing armies are essential to maintain the energy, and that extensive patronage is indispensable to support the dignity of government; who suppose that frequent wars are necessary to animate the human character, and to call into action the dormant energies of our nature; who have been expelled from authority and power by the indignant voice of an offended country, and who repine and suffer at the great and unexampled prosperity which this country is rapidly attaining under other and better auspices — such men, whoever they are, and wherever they be, will rally round the proposition now before us, and will extol it to the heavens as the model of the most profound policy, and as the offspring of the most exalted energy.

If I were called upon to prescribe a course of policy most important for this country to pursue, it would be to avoid European connections and wars. The time must arrive when we will have to contend with some of the great powers of Europe, but let that period be put off as long as possible. It is our interest and our duty to cultivate peace, with sincerity and good faith. As a young nation, pursuing industry in every channel, and adventuring commerce in every sea, it is highly important that we should not only have a pacific character, but that we should really deserve it. If we manifest an unwarrantable ambition, and a rage for conquest, we unite all the great powers of Europe against us. The security of all the European possessions in our vicinity will eternally depend, not upon their strength, but upon our moderation and justice. Look at the Canadas; at the Spanish territories to the south; at the British, Spanish, French, Danish, and Dutch West India Islands; at the vast countries to the west, as far as where the Pacific rolls its waves. Consider well the eventful consequences that would result, if we were possessed by a spirit of conquest. Consider well the impression, which a manifestation of that spirit will make upon those who would be affected by it. If we are to rush at once into the territory of a neighboring nation, with fire and sword, for the misconduct of a subordinate officer, will not our national character be greatly injured? Will we not be classed with the robbers and destroyers of mankind? Will not the nations of Europe perceive in this conduct the germ of a lofty spirit, and

an enterprising ambition, which will level them to the earth, when age has matured our strength, and expanded our powers of annoyance, unless they combine to cripple us in our infancy? May not the consequences be, that we must look out for a naval force to protect our commerce, that a close alliance will result, that we will be thrown at once into the ocean of European politics, where every wave that rolls, and every wind that blows, will agitate our bark? Is this a desirable state of things? Will the people of this country be seduced into it by all the colorings of rhetoric, and all the arts of sophistry — by vehement appeals to their pride, and artful addresses to their cupidity? No, sir. Three-fourths of the American people, I assert it boldly and without fear of contradiction, are opposed to this measure. And would you take up arms with a millstone hanging round your neck? How would you bear up, not only against the force of the enemy, but against the irresistible current of public opinion? The thing, sir, is impossible; the measure is worse than madness; it is wicked, beyond the powers of description.

HOWELL COBB

(1815–1868)

FROM December 4th, 1843, to March 3d, 1851, Howell Cobb was one of the most prominent of the Southern leaders in Congress. He was Speaker of the Thirty-First Congress, and Governor of Georgia from 1851 to 1853. He was again a Member of Congress from December 3d, 1855, to March 3d, 1857, when he became Mr. Buchanan's Secretary of the Treasury—an office in which he continued until his resignation, December 10th, 1860. He was President of the Montgomery convention which created the Confederate States Government. He was commissioned a Brigadier-General in the Confederate army in February 1862 and promoted to Major-General in September 1863. At the close of the war he surrendered at Macon, Georgia. He was born at Cherry Hill, Georgia, September 7th, 1815, and died in New York city, October 9th, 1868. His speech on the Oregon boundary question illustrates an issue which threatened war with England and caused great excitement in the United States.

«FIFTY-FOUR FORTY OR FIGHT!»

(From an Address of January 8th, 1846. Before a Committee of the House of Representatives Having Under Consideration the Oregon Boundary Question)

WHEN will this Government be prepared to maintain our just rights in the Oregon Territory? Will gentlemen who follow me in this debate be so good as to inform the country to what period of time they look forward when the United States will be in a proper condition to defend her national rights in Oregon? Where is the difficulty? Why are you not prepared to defend Oregon and your rights in the territory? Is it owing to the condition of your army or of your navy? So far as your army is concerned, it is a settled principle in the Government, if I understand and appreciate our people aright, that the Government shall never be dependent on a standing army for the protection of the rights of the people. You can

never induce, and I trust you will never desire to induce, this Government to create a large standing army in time of peace as preparatory to some future emergency which may require it. The bulwark of the defense of our country lies in the hearts and the spirit of the American people. It is to the citizen-soldier, and not the mercenary hireling, that the American people look for the defense of their rights in an emergency of this kind. Is your navy not prepared? Mr. Chairman, I am not prepared, nor should I detain you if I were prepared to go into a discussion of the condition and character of our navy. But tell me when we will be better prepared than we are now? Will it be at some future period? Are you prepared at once to make a heavy appropriation for the increase of your navy? Will this Government ever be prepared, in a time of peace, to pursue a policy of this kind? If so, it will differ widely from the history of the past or of congresses preceding. And those who are most anxious now for the settlement of the Oregon question, and those who are in favor of postponing it to a future period, many of them will be found on common ground in warfare upon our little navy — that gallant navy which needs no praise from me since its praise is written in the history of the country.

Mr. Chairman, I have exhausted more time upon the discussion of these one or two points than I had intended, and I fear I must pass by some others to which I had intended to refer. There was, however, one prominently brought forward in this discussion upon which I must bestow at least a passing thought. It is said by those who advocate it, that this is a peace measure, and by those who oppose it a war measure. Mr. Chairman, I am not prepared to go to the full extent with some who declare that the inevitable result of the passage of this notice will be to involve this country in a bloody and destructive war. Nor am I prepared, on the other hand, to go with those who fearlessly assert that there is no danger to result from our action in reference to Oregon. I plant myself on this ground, that the course which I propose to pursue is the one called for by the national faith and honor of my country; and I am in the prosecution of what I conceive to be the just rights of my Government, and am endeavoring to carry out the policy best calculated to secure this end. If peace be the result, I shall gladly welcome it. If war be the consequence, we must meet it. It is a crisis not to be avoided, not to be evaded, but to be met

with boldness, firmness, and decision. When we have discharged our duties, then, sir, it will be for another department of our Government, and for the Government with whom we are in collision upon this subject, to do what they may conceive to be their duty. If, Mr. Chairman, the result shall be inauspicious,—if it shall involve us in war,—I will have the consoling reflection left that I have pursued a course of policy dictated by the best interests of my country, as far as I have been enabled to appreciate those interests. That we should suffer from a war, I do not pretend to deny; that we shall lose the Oregon Territory by resorting to war is an idea I utterly repudiate. Whenever this Government shall be engaged in a conflict of this kind with the British Government, or with any other government on earth, peace will never be declared upon terms leaving one foot of territory which has ever been consecrated to American freedom and American principles, afterwards to be profaned by monarchical or despotic principles. No; Canada may be acquired. I do not dispute that position of gentlemen who have argued this proposition before the House; but that Oregon will ever be abandoned peacefully, or in the struggle of war, my mind has never been brought to conclude, nor will it be. Sir, upon this day, this memorable, glorious eighth of January, let it not be said by American statesmen, in an American Congress, that this Government can be injured, can be deprived, can be weakened in her just and unquestionable rights by a conflict with Great Britain, or with any other government. If war come, I venture the prediction that when it terminates we will have the consolation of knowing that not a British flag floats on an American breeze; that not a British subject treads on American soil. There is where war ought to terminate, if come it must; there is where I believe and trust in heaven it will terminate.

WILLIAM COBBETT

(1762–1835)

WILLIAM COBBETT reveled in the turmoil of controversy, and apparently was never happier than when undergoing prosecution for libelous or seditious utterances. Indeed, much of his work as editor and author was done in prison. His disposition to row against the current and to take the part of the "under dog" was conspicuous in his life in America as well as in England. A British soldier discharged in Canada, he began the publication of his Peter Porcupine Papers and his Porcupine Gazette in Wilmington, and in 1796 set up as a bookseller and publisher of his own writings in Philadelphia. Here he was as much against the government as he ever was against that of England after his return thither. His praises of Great Britain, his scorn of American institutions and attacks on American statesmen involved him in prosecutions for libel which in 1800 drove him back to England. There he was at first regarded as a loyal refugee, the champion of monarchy and order. He dined with Windham, was introduced to Pitt, and was offered a share in the True Briton. But he refused the gift, opened a bookshop in Pall Mall, and revived his Porcupine Gazette which was followed in 1802 by the Weekly Political Register. Ere long his windows were smashed by an angry mob, and by his personalities he again incurred heavy fines. In 1809 his comments on the flogging of several militia men exposed him to a fine of £1000 and two years' imprisonment. From his prison he continued the publication of the Political Register. By 1817 his debts and other difficulties compelled him to take refuge for a time in the United States, and it was here that he wrote his English grammar, of which ten thousand copies were sold in a month. He was a self-educated man, a vigorous if not a polished speaker and writer. His speeches and lectures in the principal cities of England and Scotland drew large audiences. He was born March 9th, 1762, in Surrey. In 1832 he was elected to the House of Commons, not long after the disagreement of a jury had delivered him from a prosecution for inciting rebellion. In 1834 he was reelected, but his health failed, and he died June 16th, 1835. A long list of his printed books can be found in the catalogue of any public library.

THE MAN ON THE TOWER

(Peroration of His Speech Before the Court of King's Bench, Defending Himself Against a Charge of Libel, in July 1831)

THE fact is, that I am the watchman, the man on the tower, who can be neither coaxed, nor wheedled, nor bullied; and I have expressed my determination never to quit my post until I obtain a cheap government for the country, and, by doing away with places and pensions, prevent the people's pockets from being picked. These men know that if I were to get into the House of Commons under a reformed Parliament, I should speedily effect that object, and therefore they are resolved to get rid of me by some means or other; but, thank God, gentlemen, you will not let them effect it on the present occasion.

I have little else to add, except to state what evidence I shall lay before you. The first witness I shall call will be the Lord Chancellor, and I will put in the letter to the Luddites, which by delivery to Lord Brougham for publication, I, in point of law, republished at the very time when I was said to be endeavoring to stir up the laborers to sedition and outrage. I will then call his lordship to prove the fact respecting the application for it, and he will tell you that I stipulated no terms, but that the whole of the letter should be published. I shall then call the Earl of Radnor, who knows me and all my sentiments well, and he will tell you whether I am a likely man to design and endeavor to do that which this false and malicious Whig indictment charges me with wishing to do. I shall also call several persons of the highest respectability from Kent, Sussex, and other parts of the country, to prove that I have not done anything to stir up disturbance, but that I have done a great deal to prevent it and to restore quiet. I shall then call Lord Melbourne to prove that the sentence on Goodman was not executed, but that he was sent out of the country, whereas Cook was put to death. When the jury shall have heard all this, and shall have read over the various publications, I have not the slightest doubt but that they will dismiss with scorn and contempt this groundless charge of the Whig Attorney-General. This is the second time in my life that I have been prosecuted by an Attorney-General, and brought before this court. I have been writing for thirty years, and only twice out of that long period

have I been brought before this court. The first time was by an apostate Whig. What, indeed, of evil have the Whigs not done? Since then, although there have been six Attorneys-General, all Tories, and although, were I a Crown lawyer, I might pick out plenty of libels from my writings, if this be a libel, yet I have never for twenty-one years been prosecuted until this Whig government came in. But the Whigs were always a most tyrannical faction; they always tried to make tyranny double tyranny; they were always the most severe, the most grasping, the most greedy, the most tyrannical faction whose proceedings are recorded in history. It was they who seized what remained of the Crown lands; it was they who took to themselves the last portion of Church property; it was they who passed the monstrous Riot Act; it was they also who passed the Septennial Bill. The Government are now acquiring great credit for doing away with the rotten boroughs; but if they deserve credit for doing them away, let it be borne in mind that the Whigs created them. They established an interest in the regulation, and gave consistency and value to corruption. Then came the excise laws, which were brought in by the Whigs; and from them, too, emanated that offensive statute by which Irish men and Irish women may be transported without judge or jury. There is, indeed, no faction so severe and cruel; they do everything by force and violence. The Whigs are the Rehoboam of England; the Tories ruled us with rods, but the Whigs scourge us with scorpions.

The last time I was brought before this court, I was sent out of it to two years' imprisonment among felons, and was condemned to pay, at the expiration of the two years, a fine of one thousand pounds sterling to the King, which the King took and kept. But this was not all; I was bound, too, in a penalty of five thousand pounds myself, and obliged to procure two sureties in two thousand five hundred pounds each to keep the peace for seven years. . . . I was carried seventy miles from my family and shut up in a jail, doubtless with the hope that I should expire from stench and mortification of mind. It pleased God, however, to bless me with health, and, though deprived of liberty, by dint of sobriety and temperance, I outlived the base attempt to destroy me. What crime had I committed? For what was it that I was condemned to this horrible punishment? Simply for writing a paragraph in which I expressed the indig-

nation I felt at an English local militiaman having been flogged under a guard of German bayonets! I only expressed the indignation I felt, and I should have been a base creature, indeed, if I had not expressed it. But now military flogging excites universal indignation. If there be at present any of the jury alive who found me guilty and sentenced me to that punishment, what remorse must they not feel for their conduct when they perceive that all the writers in every periodical of the present day, even including the favorite publication of the Whig Attorney-General, are now unanimous in deprecating the system of military flogging altogether! Yet, for expressing my disapprobation of that system I was tossed into a dungeon like Daniel into the lion's den. But why am I now tossed down before this court by the Attorney-General? What are my sins? I have called on the Government to respect the law; I have cautioned them that hard-hearted proceedings are driving the laborers to despair! That is my crime! If the Government really wish to avoid disturbances in the country, let them give us back the old laws; let them give the people the old game law, and repeal the new law; and let them do away with the other grinding laws that oppress the poor. I have read with horror which I cannot describe of a magistrate being accused to the Lord Chancellor of subornation of perjury; I have read of that magistrate being reinstated, and I have shuddered with horror at supposing that a poor starving laborer may be brought before such a man, and in conjunction with another such magistrate may be doomed to seven years' transportation for being out at night. And such a magistrate may be himself a game-preserver! This is a monstrous power, and certainly ought to be abolished. The ministry, however, will perhaps adopt the measures I have recommended, and then prosecute me for recommending them. Just so it is with parliamentary reform, a measure which I have been foremost in recommending for twenty years. I have pointed out and insisted upon the sort of reform that we must have; and they are compelled already to adopt a large part of my suggestions, and avowedly against their will. They hate me for this; they look upon it as I do, that they are married to Reform, and that I am the man who has furnished the halter in which they are led to church. For supplying that halter they have made this attack on me through the Attorney-General, and will slay me if they can. The Whigs know that my intention was not bad.

This is a mere pretense to inflict pecuniary ruin on me, or cause me to die of sickness in a jail, so that they may get rid of me, because they can neither buy nor silence me. It is their fears which make them attack me, and it is my death they intend. In that object they will be defeated, for, thank heaven, you stand between me and destruction. If, however, your verdict should be — which I do not anticipate — one that will consign me to death by sending me to a loathsome dungeon, I will with my last breath pray to God to bless my country and curse the Whigs; and I bequeath my revenge to my children and the laborers of England.

RICHARD COBDEN

(1804–1865)

RICHARD COBDEN sacrificed his life by leaving his sick room and hastening to London in the spring of 1865 to resist in the House of Commons the proposed fortification of Canada. His Free Trade agitation had always been subordinated to the high moral purpose of promoting peace on earth and good-will among men. As he considered free commerce between nations the surest means of avoiding wars and abolishing armies, the proposition to fortify Canada at a time of strained relations between the United States and England aroused him to undertake a journey which proved fatal. When his death was announced to the House of Commons, his character and public services were praised as "an honor to England" by his former political antagonists, and his old friend and co-adjutor, John Bright, overpowered by emotion after speaking a sentence or two in a tremulous voice, said he must leave to a calmer moment what he had to say "of the manliest and gentlest spirit that ever quitted or tenanted a human form."

In truth the production of men of the Cobden type is the greatest glory of modern England, and to the labors of such men she owes more of her greatness than to the splendid heroism of her warriors. A widow's son, with only such rudimentary education as could be obtained at a country grammar school, he found time in the midst of very assiduous and successful attention to commercial pursuits, to make himself one of the best informed and ablest teachers of his generation. After he had built up a business yielding him a profit of $40,000 a year, he turned aside from it and began to write the magazine articles and pamphlets which eventually revolutionized the politico-economic policy of England.

Omitting wholly the details of the great and incessant labors by which he forced Sir Robert Peel to repeal the Corn Laws in deference to public opinion, the barest mention can be made of his work as an international treaty reformer, and his remarkable series of peace congresses in the interest of arbitration as a substitute for war, as perhaps the most remarkable among many other distinguished services to his own country and to mankind. He became such a power in England that cabinet positions and even a baronetcy and seat in the Privy

Council were offered him by Lord Palmerston and refused. Throughout his long parliamentary career he was one of England's foremost debaters of political, economical, and commercial questions, while at the same time he was the writer of essays that are enduring textbooks for the guidance of after generations.

He was born at his father's farmhouse near Midhurst in Sussex, June 3d, 1804, and died in London, April 2d, 1865.

FREE TRADE WITH ALL NATIONS

(Delivered at Manchester, January 15th, 1846)

I SHALL begin the few remarks which I have to offer to this meeting by proposing, contrary to my usual custom, a resolution; and it is, "That the merchants, manufacturers, and other members of the National Anti-Corn-Law League claim no protection whatever for the manufactured products of this country, and desire to see obliterated forever the few nominally protective duties against foreign manufactures, which still remain upon our statute books." Gentlemen, if any of you have taken the pains to wade through the reports of the Protectionist meetings, as they are called, which have been held lately, you would see that our opponents, at the end of seven years of our agitation, have found out their mistake, and are abandoning the Corn Laws; and now, like unskillful blunderers, as they are, they want to take up a new position, just as we are going to achieve the victory. Then they have been telling something very like fibs, when they claimed the Corn Laws as compensation for peculiar burdens. They say now that they want merely protection in common with all other interests, and they now call themselves the advocates of protection to native industry in all its branches; and, by way of making the appeal to the less-informed portion of the community, they say that the Anti-Corn-Law League are merely the advocates of Free Trade in corn, but that we want to preserve a monopoly in manufactures.

Now, the resolution which I have to submit to you, and which we will put to this meeting to-night — the largest by far that I ever saw in this room, and comprising men of every class and of every calling in this district — let that resolution decide, once and forever, whether our opponents can with truth lay that to our charge henceforth. There is nothing new in this proposi-

tion, for at the very beginning of this agitation — at the meeting of the Chamber of Commerce — when that faint voice was raised in that small room in King Street in December 1838, for the total and immediate repeal of the Corn Laws — when that ball was set in motion which has been accumulating in strength and velocity ever since, why, the petition stated fairly that this community wanted no protection for its own industry. I will read the conclusion of that admirable petition. It is as follows: —

"Holding one of the principles of eternal justice to be the inalienable right of every man freely to exchange the result of his labor for the productions of other people, and maintaining the practice of protecting one part of the community at the expense of all other classes to be unsound and unjustifiable, your petitioners earnestly implore your honorable House to repeal all laws relating to the importation of foreign corn and other foreign articles of subsistence, and to carry out to the fullest extent, both as affects agriculture and manufactures, the true and peaceful principles of Free Trade, by removing all existing obstacles to the unrestricted employment of industry and capital."

We have passed similar resolutions at all our great aggregate meetings of delegates in London ever since that was issued.

I don't put this resolution as an argument or as an appeal to meet the appeals made in the protection societies' meetings. I believe that the men who now, in this seventh year of our discussion, can come forth before their country, and talk as those men have done — I believe that you might as well preach to the deaf adder. You cannot convince them. I doubt whether they have not been living in their shells, like oysters; I doubt whether they know such a thing is in existence as a railroad, or as penny postage. They are in profound ignorance of everything, and incapable of being taught. We don't appeal to them, but to a very large portion of this community, who don't take a very prominent part in this discussion — who may be considered as important lookers-on. Many have been mislead by the reiterated assertions of our opponents; and it is at this eleventh hour to convince these men, and to give them an opportunity of joining our ranks, as they will do, that I offer this proof of disinterestedness and the fairness of our proposals. I don't intend to go into an argument to convince any man here that protection to all must be protection to none. If it takes from one man's pocket,

and allows him to compensate himself by taking an equivalent from another man's pocket, and if that goes on in a circle through the whole community, it is only a clumsy process of robbing all to enrich none, and simply has this effect, that it ties up the hands of industry in all directions. I need not offer one word to convince you of that. The only motive that I have for saying a word is, that what I say here may convince others elsewhere — the men who meet in protection societies. But the arguments I should adduce to an intelligent audience like this, would be spoken in vain to the Members of Parliament who are now the advocates of protection. I shall meet them in less than a week in London, and there I will teach the A B C of this protection. It is of no use trying to teach children words of five syllables, when they have not got out of the alphabet.

Well, what exhibitions these protectionists have been making of themselves! Judging from the length of their speeches, as you see them reported, you might fancy the whole community was in motion. Unfortunately for us, and for the reputation of our countrymen, the men who can utter the driveling nonsense which we have had exhibited to the world lately, and the men who can listen to it, are very few in number. I doubt exceedingly whether all the men who have attended all the protection meetings, during the last month, might not very comfortably be put into this hall. But these protection societies have not only changed their principles, but it seems they have resolved to change their tactics. They have now, at the eleventh hour, again resolved that they will make their body political, and look after the registration. What simpletons they must have been to have thought that they could have done any good without that! So they have resolved that their societies shall spend their money in precisely the same way that the League have been expending theirs. They have hitherto been telling us, in all their meetings and in all their newspapers, that the League is an unconstitutional body; that it is an infernal club which aims at corrupting, at vitiating, and at swamping the registrations; and now, forsooth, when no good can possibly come of it — when they most certainly should have wisely abstained from imitating it, since they cannot do any good, and have kept up the strain they formerly had, of calling the League an unconstitutional body, they resolve to rescind their resolution, and to follow his Grace, the Duke of Richmond's advice, and fight us with our own weap-

ons. Now, I presume, we are a constitutional body. It is a fortunate thing that we have not got great dukes to lead us. But, now, of what force is this resolution? Like everything they do, it is farcical — it is unreal. The protection societies, from the beginning, have been nothing but phantoms. They are not realities. And what is their resolution — what does it amount to? They resolve that they will look after the registration. We all know that they have done their worst in that way already. We all know that these landlords may really make their acres a kind of electioneering property. We know right well that their land-agents are their electioneering agents. We know that their rent-rolls have been made their muster-rolls for fighting the battle of protection. These poor driveling people say that we buy qualifications, and present them to our friends; that we bind them down to vote as we please. We have never bought a vote, and we never intend to buy a vote or to give one. Should we not be blockheads to buy votes and give them, when we have ten thousand persons ready to buy them at our request?

But I suspect that our protectionist friends have a notion that there is some plan — some secret, sinister plan — by which they can put fictitious votes on the register. Now I beg to tell them that the League is not more powerful to create votes than it is to detect the flaws in the bad votes of our opponents; and they may depend on it, if they attempt to put fictitious voters on the register, that we have our ferrets in every county, and that they will find out the flaws; and when the registration time comes, we'll have an objection registered against every one of their fictitious qualifications, and make them produce their title-deeds, and show that they have paid for them. Well, we have our protectionist opponents; but how we may congratulate ourselves on the position which they have given to this question by the discussion that has been raised everywhere during the last few months! We cannot enter a steamboat or a railroad carriage — nay, we cannot even go into an omnibus, but the first thing that any man does, almost before he has deposited his umbrella, is to ask, "Well, what is the last news about the Corn Laws?" Now, we, who remember how difficult it was, at the beginning of our agitation, to bring men's minds to the discussion, of this question, when we think that every newspaper is now full of it — the same broad sheet containing, perhaps, a report of this meeting, and of the miserable driveling of some hole-and-corner agricultural

gathering — and when we think that the whole community is engaged in reading the discussion and pondering on the several arguments, we can desire no more. The League might close its doors to-morrow, and its work might be considered as done the moment it compels or induces people to discuss the question.

But the feeling I have alluded to is spreading beyond our own country. I am glad to hear that in Ireland the question is attracting attention. You have probably heard that my friend Mr. Bright and I have received a requisition, signed by merchants and manufacturers of every grade and party in Belfast, soliciting us to go there and address them; and I deeply regret that we cannot put our feet on Irish ground to advocate this question. To-day I have received a copy of a requisition to the mayor of Drogheda, calling a meeting for next Monday, to petition for the total and immediate repeal of the Corn Laws, and I am glad to notice at the head of that requisition the name of the Catholic Primate, Doctor Croly, a man eminent for learning, piety, and moderation; and that it is also headed by the rest of the Catholic clergy of that borough. I hope that these examples will not be without their due effect, in another quarter. We have, I believe, the majority of every religious denomination with us — I mean the dissenting denominations; we have them almost *en masse*, both ministers and laymen; and I believe the only body, the only religious body, which we may not say we have with us as a body, are the members of the Church of England.

On this point I will just offer this remark: The clergy of the Church of England have been placed in a most invidious, and, I think, an unfortunate position, by the mode in which their tithe commutation charge was fixed some years ago. My friend Colonel Thompson will recollect it, for he was in Parliament at the time, and protested against the way in which the tithe commutation rent-charge was fixed. He said, with the great foresight he had always shown in the struggle for the repeal of the Corn Laws, that it would make the clergy of the Church of England parties to the present Corn Law by fixing their tithe at a fixed quantity of corn, fluctuating according to the price of the last seven years. Let it be borne in mind, that every other class of the community may be directly compensated for the repeal of the Corn Laws — I mean every class connected with agriculture — except the clergy. The landlords may be compensated, if prices fall, by an increased

quantity of produce; so also may the farmer and the laborer; but the clergy of the Church of England receive a given number of quarts of wheat for their tithe, whatever the price may be. I think, however, we may draw a favorable conclusion, under all the circumstances, from the fact that I believe there has not been one clergyman of the Church of England at all eminent for rank, piety, or learning, who has come out, notwithstanding the strong temptation of personal interest, to advocate the existing Corn Law. I think that we may take this as a proof of the very strong appeal to justice which this question makes, and perhaps augur also that there is a strong feeling among the great body of the members of the Church of England in favor of Free Trade in corn.

Well, there is one other quarter in which we have seen the progress of sound principles — I allude to America. We have received the American President's message; we have had also the report of the Secretary of the Treasury, and both President Polk and Mr. Secretary Walker have been taking my friend Colonel Thompson's task out of his hands, and lecturing the people of America on the subject of Free Trade. I have never read a better digest of the arguments in favor of Free Trade than that put forth by Mr. Secretary Walker, and addressed to the Congress of that country. I augur from all these things that our question is making rapid progress throughout the world, and that we are coming to the consummation of our labors. We are verging now towards the session of Parliament, and I predict that the question will either receive its quietus, or that it will lead to the dissolution of this Parliament; and then the next will certainly relieve us of our burden.

Now, many people are found to speculate on what Sir Robert Peel may do in the approaching session of Parliament. It is a very hazardous thing, considering that in one week only you will be as wise as I shall, to venture to make a prediction on this subject. [A cry of "We are very anxious."] You are very anxious, no doubt. Well, let us see if we can speculate a little on futurity, and relieve our anxiety. There are three courses open to Sir Robert Peel. He may keep the law as it is; he may totally repeal it; or he may do something between the two by tinkering his scale again, or giving us a fixed duty. Now, I predict that Sir Robert Peel will either keep the law as it is, or he will propose totally to abolish it. And I ground my predic-

tion on this, because these are the only two things that anybody in the country wants him to do. There are some that want to keep protection as it is; others want to get rid of it; but nobody wants anything between the two. He has his choice to make, and I have this opinion of his sagacity, that, if he change at all, he will change for total repeal. But the question is, "Will he propose total and immediate repeal?" Now, there, if you please, I will forbear to offer a prediction. But I will venture to give you a reason or two why I think he ought to take total and immediate repeal. I don't think that any class is so much interested in having the Corn Law totally and immediately repealed as the farming class. I believe that it is of more importance to the farmers to have the repeal instantaneous, instead of gradual, than to any other class of the community. In fact, I observe, in the report of a recent Oxfordshire protection meeting, given in to-day's paper, that when Lord Norreys was alluding to the probability of Sir Robert Peel abolishing the Corn Laws gradually, a farmer by the name of Gillatt cried out, "We had better be drowned outright than ducked to death." Gentlemen, I used to employ another simile — a very humble one, I admit. I used to say that an old farmer had told me, that if he were going to cut off his sheep-dog's tail, it would be far more humane to cut it off all at once than a piece every day in the week. But now I think that the farmer's simile in Oxford is the newest and the best that we can use. Nothing could be more easy than to demonstrate that it is the true interest of the farmers, if the Corn Law is to be abolished, to have it abolished instantly. If the Corn Law were abolished to-morrow, my firm belief is, that instead of wheat falling, it would have a tendency to rise. That is my firm belief, because speculation has already anticipated Sir Robert Peel, and wheat has fallen in consequence of that apprehension. I believe that, owing to the scarcity everywhere, — I mean in all parts of Europe, — you could not, if you prayed for it, if you had your own wishing-cap on, and could make your own time and circumstances — I believe, I say, that you could never find such an opportunity for abolishing the Corn Laws totally and immediately as if it were done next week; for it so happens that the very countries from which, in ordinary times, we have been supplied, have been afflicted, like ourselves, with scarcity — that the countries of Europe are competing with us for the very small surplus existing in America. They have, in

fact, anticipated us in that market, and they have left the world's markets so bare of corn, that, whatever your necessities may be, I defy you to have other than high prices of corn during the next twelve months, though the Corn Law was abolished to-morrow.

European countries are suffering as we are from the same evil. They are suffering from scarcity now, owing to the absurd legislation respecting the article of corn. Europe altogether has been corrupted by the vicious example of England in her commercial legislation. There they are, throughout the continent of Europe, with a population increasing at the rate of four or five millions a year; yet they make it their business, like ourselves, to put barriers in the way of a sufficiency of food to meet the demand of an increasing population.

I believe that if you abolish the Corn Law honestly, and adopt Free Trade in its simplicity, there will not be a tariff in Europe that will not be changed in less than five years to follow your example. Well, gentlemen, suppose the Corn Law be not abolished immediately, but that Sir Robert Peel bring in a measure giving you a duty of five shillings, six shillings, or seven shillings, and going down one shilling a year for four or five years, till the whole duty is abolished, what would be the effect on foreign countries? They will then exaggerate the importance of this market when the duty is wholly off. They will go on raising supplies, calculating that, when the duty is wholly off, they will have a market for their produce, and high prices to remunerate them; and if, as is very likely and consistent with our experience, we should have a return to abundant seasons, these vast importations will be poured upon our markets, probably just at the time when our prices are low; and they would come here, because they would have no other market, to swamp our markets, and deprive the farmer of the sale of his produce at a remunerating price. But, on the contrary, let the Corn Law be abolished instantly; let foreigners see what the English market is in its natural state, and then they will be able to judge from year to year and from season to season what will be the future demand from this country for foreign corn. There will be no extravagant estimate of what we want — no contingency of bad harvests to speculate upon. The supply will be regulated by the demand, and will reach that state which will be the best security against both gluts and famine. Therefore, for the farmer's sake,

I plead for the immediate abolition of this law. A farmer never can have a fair and equitable understanding or adjustment with his landlord, whether as respects rent, tenure, or game, until this law is wholly removed out of his way. Let the repeal be gradual, and the landlord will say to the farmer, through the land-agent, "Oh, the duty will be seven shillings next year; you have not had more than twelve-months' experience of the workings of the system yet"; and the farmer goes away without any settlement having been come to. Another year passes over, and when the farmer presents himself, he is told, "Oh, the duty will be five shillings this year; I cannot yet tell what the effect will be; you must stop awhile." The next year the same thing is repeated, and the end is, that there is no adjustment of any kind between the landlord and tenant. But put it at once on a natural footing, abolish all restrictions, and the landlord and tenant will be brought to a prompt settlement; they will be placed precisely on the same footing as you are in your manufactures.

Well, I have now spoken on what may be done. I have told you, too, what I should advocate; but I must say, that whatever is proposed by Sir Robert Peel, we, as Free Traders, have but one course to pursue. If he propose a total and immediate and unconditional repeal, we shall throw up our caps for Sir Robert Peel. If he propose anything else, then Mr. Villiers will be ready, as he has been on former occasions, to move his amendment for a total and immediate repeal of the Corn Laws. We are not responsible for what ministers may do; we are but responsible for the performance of our duty. We don't offer to do impossibilities; but we will do our utmost to carry out our principles. But, gentlemen, I tell you honestly, I think less of what this Parliament may do — I care less for their opinions, less for the intentions of the Prime Minister and the Cabinet, than what may be the opinion of a meeting like this and of the people out of doors. This question will not be carried by ministers or by the present Parliament; it will be carried, when it is carried, by the will of the nation. We will do nothing that can remove us a hair's breadth from the rock which we have stood upon with so much safety for the last seven years. All other parties have been on a quicksand, and floated about by every wave, by every tide, and by every wind — some floating to us; others, like fragments scattered over the ocean, without rudder or compass; whilst we are upon solid ground, and no temptation, whether of

parties or of ministers, shall ever make us swerve a hair's breadth. I am anxious to hear now, at the last meeting before we go to Parliament — before we enter that arena to which all men's minds will be turned during the next week — I am anxious, not merely that we should all of us understand each other on this question, but that we should be considered as occupying as independent and isolated a position as we did at the first moment of the formation of this League. We have nothing to do with Whigs or Tories; we are stronger than either of them; if we stick to our principles, we can, if necessary, beat both. And I hope we perfectly understand now, that we have not, in the advocacy of this great question, a single object in view but that which we have honestly avowed from the beginning. Our opponents may charge us with designs to do other things. No, gentlemen, I have never encouraged that. Some of my friends have said, "When this work is done you will have some influence in the country; you must do so and so." I said then, as I say now, "Every new political principle must have its special advocates, just as every new faith has its martyrs." It is a mistake to suppose that this organization can be turned to other purposes. It is a mistake to suppose that men, prominent in the advocacy of the principle of Free Trade, can with the same force and effect identify themselves with any other principle hereafter. It will be enough if the League accomplish the triumph of the principle we have before us. I have never taken a limited view of the object or scope of this great principle. I have never advocated this question very much as a trader.

But I have been accused of looking too much to material interests. Nevertheless, I can say that I have taken as large and great a view of the effects of this mighty principle as ever did any man who dreamt over it in his own study. I believe that the physical gain will be the smallest gain to humanity from the success of this principle. I look farther; I see in the Free Trade principle that which shall act on the moral world as the principle of gravitation in the universe,— drawing men together, thrusting aside the antagonism of race and creed and language, and uniting us in the bonds of eternal peace. I have looked even farther. I have speculated, and probably dreamt, in the dim future — aye, a thousand years hence — I have speculated on what the effect of the triumph of this principle may be. I believe that the effect will be to change the face of the world, so

as to introduce a system of government entirely distinct from that which now prevails. I believe that the desire and the motive for large and mighty empires — for gigantic armies and great navies — for those materials which are used for the destruction of life and the desolation of the rewards of labor — will die away; I believe that such things will cease to be necessary, or to be used, when man becomes one family and freely exchanges the fruits of his labor with his brother man. I believe that, if we could be allowed to reappear on this sublunary scene, we should see, at a far distant period, the governing system of this world revert to something like the municipal system; and I believe that the speculative philosopher of a thousand years hence will date the greatest revolution that ever happened in the world's history from the triumph of the principle which we have met here to advocate. I believe these things; but, whatever may have been my dreams and speculations, I have never obtruded them upon others. I have never acted upon personal or interested motives in this question; I seek no alliance with parties or favor from parties, and I will take none — but, having the feeling I have of the sacredness of the principle, I say that I can never agree to tamper with it. I, at least, will never be suspected of doing otherwise than pursuing it disinterestedly, honestly, and resolutely.

SMALL STATES AND GREAT ACHIEVEMENTS

(From a Speech Delivered at Rochdale, October 29th, 1862)

Now, gentlemen, coupled with this question is another upon which I must say a few words. We are placed in this tremendous embarrassment in consequence of the civil war that is going on in America. Don't expect me to be going to venture upon ground which other politicians have trodden, with, I think, doubtful success or advantage to themselves! Don't think that I am going to predict what is going to happen in America, or that I am going to set myself up as a judge of the Americans! What I wish to do is to say a few words to throw light upon our relations as a nation with the American people. I have no doubt whatever that, if I had been an American, I should have been true to my peace principles, and that I should have been amongst, perhaps, a very small number who had

voted against, or raised my protest, in some shape or other, against this civil war in America. There is nothing in the course of this war that reconciles me to the brutality and havoc of such a mode of settling human disputes. But the question we have to ask ourselves is this: What is the position which, as a nation, we ought to take with reference to the Americans in this dispute? That is the question which concerns us. It is no use our arguing as to what is the origin of the war, or any use whatever to advise these disputants. From the moment the first shot is fired, or the first blow is struck, in a dispute, then farewell to all reason and argument; you might as well attempt to reason with mad dogs as with men when they have begun to spill each other's blood in mortal combat. I was so convinced of the fact during the Crimean War,—which you know I opposed,—I was so convinced of the utter uselessness of raising one's voice in opposition to war when it has once begun, that I made up my mind that as long as I was in political life, should a war again break out between England and a great power, I would never open my mouth upon the subject from the time the first gun was fired until the peace was made, because, when a war is once commenced it will only be by the exhaustion of one party that a termination will be arrived at. If you look back at our history, what did eloquence, in the persons of Chatham or Burke, do to prevent a war with our first American colonies? What did eloquence, in the persons of Fox and his friends, do to prevent the French Revolution or bring it to a close? And there was a man who at the commencement of the Crimean War, protested in terms of eloquence, in power and pathos and argument equal —in terms, I believe, fit to compare with anything that fell from the lips of Chatham and Burke — I mean your distinguished townsman, my friend Mr. Bright — and what was his success? Why, they burnt him in effigy for his pains!

Well, if we are here powerless as politicians to check a war at home, how useless and unavailing must it be for me to presume to affect in the slightest degree the results of the contest in America! I may say I regret this dreadful and sanguinary war; we all regret it; but to attempt to scold them for fighting, to attempt to argue the case with either, and to reach them with any arguments, while they are standing in mortal combat, a million of them standing in arms and fighting to the death; to think that, by any arguments here, we are to influence or be

heard by the combatants engaged on the other side of the Atlantic, is utterly vain. I have traveled twice through almost every free State in America. I know most of the principals engaged in this dreadful contest on both sides. I have kept myself pretty well informed of all that is going on in that country; and yet, though I think I ought to be as well informed on this subject as most of my countrymen,— Cabinet ministers included, — yet, if you were to ask me how this contest is to end, I confess I should find myself totally at a loss to offer an opinion worth the slightest attention on the part of my hearers. But this I will say: If I were put to the torture, and compelled to offer a guess, I should not make the guess which Mr. Gladstone and Earl Russell have made on this subject. I don't believe that if the war in America is to be brought to a termination, it will be brought to an end by the separation of the North and South. There are great motives at work amongst the large majority of the people in America, which seem to me to drive them to this dreadful contest rather than see their country broken in two. Now, I don't speak of it as having a great interest in it myself. I speak as to a fact. It may seem Utopian; but I don't feel sympathy for a great nation, or for those who desire the greatness of a people by the vast extension of empire. What I like to see is the growth, development, and elevation of the individual man. But we have had great empires at all times — Syria, Persia, and the rest. What trace have they left of the individual man? Nebuchadnezzar, and the countless millions under his sway,— there is no more trace of them than of herds of buffaloes, or flocks of sheep. But look at your little States; look at Greece, with its small territories, some not larger than an English county! Italy, over some of whose States a man on horseback could ride in a day,— they have left traces of individual man, where civilization has flourished, and humanity has been elevated. It may appear Utopian, but we can never expect the individual elevated until a practical and better code of moral law prevails among nations, and until the small States obtain justice at the hands of the great.

WILLIAM BOURKE COCKRAN

(1854–)

THE speech delivered by William Bourke Cockran at Madison Square Garden, New York, August 18th, 1896, represented the strong antagonism of a highly intelligent and powerful class to the speech made by William J. Bryan in the Democratic National Convention of 1896, commonly called his "Cross of Gold" oration. Mr. Bryan's speech was largely, if not wholly, extemporaneous. Mr. Cockran, who is one of the most facile extemporaneous speakers in the country, had time to consider his reply carefully, and doubtless did so; but there is none of the stiffness in it of a set speech. It moves easily and naturally, and is interesting even when it is dealing with questions of political economy in the abstract.

ANSWERING WILLIAM J. BRYAN

(From the Speech at Madison Square Garden, New York City, August 18th, 1896)

Mr. Chairman, Ladies and Gentlemen, Fellow-Democrats, All: —

WITH the inspiring strains of the national song still ringing in our ears, who can doubt the issue of this campaign. The issue has been well stated by your presiding officer. Stripped, as he says, of all verbal disguises, it is an issue of common honesty, an issue between the honest discharge and the dishonest repudiation of public and private obligations. It is a question as to whether the powers of the Government shall be used to protect honest industry or to tempt the citizen to dishonesty.

On this question honest men cannot differ. It is one of morals and justice. It involves the existence of social order. It is the contest for civilization itself. If it be disheartening to Democrats and to lovers of free institutions to find an issue of this character projecting into a presidential campaign, this meeting furnishes us with an inspiring truth of how that issue will be met

by the people. A Democratic convention may renounce the Democratic faith, but the Democracy remains faithful to the Democratic principles. Democratic leaders may betray a convention to the Populists, but they cannot seduce the footsteps of Democratic voters from the pathway of honor and justice. A candidate bearing the mandate of a Democratic convention may in this hall open a canvass leveled against the foundations of social order, but he beholds the Democratic masses confronting him organized for defense.

Fellow-Democrats, let us not disguise from ourselves the fact that we bear in this contest a serious and grave and solemn burden of duty. We must raise our hands against the nominee of our party, and we must do it to preserve the future of that party itself. We must oppose the nominee of the Chicago convention, and we know full well that the success of our opposition will mean our own exclusion from public life, but we will be consoled and gratified by the reflection that it will prove that the American people cannot be divided into parties on a question of simple morals or of common honesty. We would look in vain through the speech delivered here one week ago to find a true statement of the issue involved in this canvass. Indeed, I believe it is doubtful if the candidate himself quite understands the nature of the faith which he professes. I say this not in criticism of his ability but in justice to his morality. I believe that if he himself understood the inevitable consequences of the doctrines he preaches, his own hands would be the very first to tear down the platform on which he stands. But there was one statement in that speech which was very free from ambiguity, pregnant with hope and confidence to the lovers of order. He professes his unquestioned belief in the honesty of the American masses, and he quoted Abraham Lincoln in support of the faith that was in him. Well I don't believe that the faith of Abraham Lincoln was ever more significantly justified than in the appearance which Mr. Bryan presented upon this platform in the change that has come over the spirit and the tone of Populistic eloquence since the Chicago convention.

We must all remember that lurid rhetoric which glowed as fiercely in the Western skies as that sunlight which through the past week foretold the torrid heat of the ensuing day; and here upon this platform, we find that same rhetoric as mild, as insipid as the waters of a stagnant pool.

He is a candidate who was swept into the nomination by a wave of popular enthusiasm, awakened by appeals to prejudice and greed. He is a candidate who on his trip home, and in the initial steps of his trip eastward, declared that this was a revolutionary movement; who no sooner found himself face to face with the American feeling than he realized the fact that this soil is not propitious to revolution.

The people of this country will not change the institutions which have stood the tests and experiences of a century for institutions based upon the fantastic dreams of Populist agitators.

The American nation will never consent to substitute for the Republic of Washington, of Jefferson, and of Jackson the Republic of an Altgeld, a Tillman, or a Bryan. The power of public opinion which caused the vivid oratory of the Chicago platform to burn low and soft as the moonlight outside of this platform, which has already shown its power to control Populistic eloquence, will show the full extent of its wisdom, will give Abraham Lincoln's prophecy its triumphal vindication, when it crushes the seed of Populistic Socialism next November.

Now, my friends, I have said that there was one statement of great significance in Mr. Bryan's speech. There is another portion of it which is singularly free from any obscurity and that may be comprised within the two initial paragraphs when he talks, logically, consistently, plainly, the language of revolution. Whatever change may have come over his manner as a candidate, however much the vehemence of his eloquence may have been reduced, two things for which he stands remain unaltered. On this platform he defended the most revolutionary plank of the Chicago convention, in speech less vehement but not less earnest than that in which he supported their adoption. On this platform he defended the Populistic program of overthrowing the integrity of the Supreme Court. If there be any fruit which has grown for the benefit of all mankind, out of the establishment of this Republic, it has been the demonstration that it is possible by the organization of an independent tribunal to safeguard the rights of every citizen and protect those national privileges against any invasion from whatever source or however powerful might be the antagonistic elements. The very existence of that power presupposes the existence of an independent tribunal. Yet we have this Populistic convention, because a Populist measure

was condemned as unconstitutional, proposing not to amend the Constitution in the ordinary way prescribed by that instrument itself, but proposing to pack the court, to reorganize it (he used the language of the platform itself), so that it will pronounce those laws to be constitutional which the Constitution itself condemns,—a proposal to make the courts of law instruments of lawlessness; to violate that sacred pact between the States on which the security of this nation rests; to profane the temple erected for its protection by the hands of false priests who, though sworn to defend it, will be appointed to destroy it.

In the time to which I must confine myself to-night, I can do nothing but examine that one question, which Mr. Bryan himself declares to be the overshadowing issue of this campaign. I am a little puzzled when I read this speech to decide just exactly what Mr. Bryan himself imagines will be the fruit of a change in the standard of value throughout this country—I do not believe that any man can wholly agree with the speech, because if he dissent from one set of conclusions, he has to read but a few paragraphs and he will find another of a different variety. But I assume that it is fair in a discussion of this character, independently of what Mr. Bryan may say, or what Mr. Bryan himself may think he stands for, to examine the inevitable economic effects of a debasement of the coinage, of a change in the standard by which existing debts are to be measured to a baser measure of value. Now, I will imagine that Mr. Bryan himself may believe that in some way or other he is going to benefit the toilers of this country. He says that he is, but he declines to show us how. For my part I am willing to state here that if Mr. Bryan could show me that by any means known to heaven or known on earth, any means revealed to the comprehension of man, that wages could be increased, I will be ready to support him here and now. I do not make this statement through any pretense of special affection for the man who works with his hands. Such a pretense made in the heat of a presidential campaign would merely insult and discredit the intelligence to which it is addressed.

I repeat that I would support any measure calculated to increase the rate of wages, because I know of no test of prosperity absolutely infallible, except the rate of wages paid to laborers. When the rate of wages is high there must be prosperity; when the rate of wages is low, there must necessarily be distress.

If, then, Mr. Bryan can show me that by any enforcement of any portion of his program wages will be increased in this country, I will not only support him, but I will recognize him as the wisest orator that ever opened his mouth on a platform since the beginning of the world. I will be ready to confess that the rhetoric, which I do not now understand, is really the language of inspiration. I would regard the administration of the presidency as the kindling of a great light before the footsteps of man, showing him a broad pathway to endless happiness and measureless prosperity. But in searching through his speech, in reading through the whole reams of Populistic literature with which this country has been flooded for four years, I have never yet found the syllable which showed me how a Populist expected to increase the rate of wages. Now, in order to understand the significance of the remark that wages is the only test of prosperity, we have but to consider for a moment just what is meant by the term wages. Wages, as I suppose everybody here understands it, is that part of the laborer's product which is given to him, in compensation for his toil. If, for instance, I be engaged in the manufacture of chairs, and if I can make five chairs every day worth $20.00, and the rate of my wages is $4.00 per day, what I actually get is one chair out of the five I make. The other four chairs, the other four-fifths of my product, are devoted to the payment of all the other labor that has been expended in preparing the elements out of which the chair was made: to the man who felled the tree in the forest, the person who sawed it in the mill, the carrier who transported it, the workman who prepared its component parts, and the profit on the capital which set all this labor in motion. It is plain, however, that I could not take one chair home with me at night and attempt to settle my bills with it, for the moment I undertook to divide the chair among my creditors, that very moment it would lose its value; so instead of taking the chair which I cannot divide, I take its equivalent in money, which I can divide, but my wages all the time are fixed by the quantity of my own products. If, instead of five chairs I were able to make ten, and the rate of compensation remained the same, I would obtain for my wages two chairs or $8.00 per day; but instead of there being four chairs or $16.00 available for the payment of the other labor, there would be eight chairs at $32.00; and thus the larger my

wages, the larger my product, and the greater the prosperity in the chair-making industry.

Now, applying that principle to every other department of trade, we can see that the man who works on a tunnel cannot take part of the tunnel home with him for his wages, the man who paves the street cannot take part of the highway with him, but each one takes the money equivalent to that part of the product which is the result of his daily toil, and the laborer is the man who has the most vital interest in the character of the money which is paid to him. . . .

Nothing is more common than the mistake that money and property are identical. They are not. A redundancy of money does not prove any prosperity. There may be a very large amount of circulating medium and very great poverty. The issue of paper money simply is no more an increase of wealth than the issue by an individual of his promissory note would show an increase of his property. As a matter of fact, an increase in the coinage is no proof of an increase in property, but may be a strong proof of a decrease in wealth. . . . The volume of money plays but a small part even in the ordinary transactions of life. It is not the volume of money but the activity of money that counts. . . . Money never can circulate freely and actively unless there be absolute confidence in its value. If a man doubt whether the money in his pocket will be as valuable to-morrow as it is to-day, he will decline to exchange his commodity against it; and this Populistic agitation threatening the integrity of money has been the cause of the hard times through which this country is passing and from which it will not escape until the heel of popular condemnation is placed upon the Populistic agitation which undermines the foundation of our credit. . . .

In order that you should understand just how a change in the standard of value enables men to cheat their creditors, you have to consider the function which money plays in measuring debts. If I had paid $10.00 for ten yards of cloth to be delivered to me next week, and in the interim the Government should pass a law declaring that hereafter eighteen inches shall constitute a yard, and that all existing contracts shall be settled in that system of measure, I would be cheated of one-half the cloth for which I had paid. If, on the other hand, I owed a cloth merchant for

ten yards of cloth which he had delivered to me, and which was payable next week, and in the meantime the Government would change the standard of value and cut down the unit of coinage one-half, then I would settle the debt with $5.00, and the cloth merchant would be cheated. . . .

Underlying the whole scheme of civilization is the confidence men have in each other, confidence in their integrity, confidence in their honesty, confidence in their future. If we went to a silver coinage to-morrow, if we even debased our standard of value, men say that you would still have the same property you have to-day, you would still have the same soil, you would still have the same continent. And it is true. But so did the Indians have the same rivers that roll past your cities and turn the wheels of commerce as they pass. So were the mountains piled full of mineral treasures four hundred years ago. The same atmosphere enwrapt this continent, the same soil covered the fields, the same sun shone in heaven, and yet there was none but the savage pursuing the pathway of war through the trackless forests, and the rivers bore no single living thing except the Indian in his canoe, pursuing a pathway of destruction. There was no industrial co-operation, because the Indian was a savage and did not understand the principle by which men aid each other, by taking from the bosom of the earth the wealth which makes life bearable and develops the intelligence which makes civilization. Anything that attacks that basis of human confidence is a crime against civilization and a blow against the foundations of social order. . . . We believe that the very essence of civilization is mutual interest, mutual forbearance, mutual co-operation. We believe the world has passed the time when men's hands are at each other's throats. We believe to-day that men stand shoulder to shoulder, working together for a common purpose, beneficial to all, and we believe that this attempt to assail wages, which means an attempt to attack the prosperity of all, will be resisted, not by a class, but by the whole nation. The dweller in the tenement house, stooping over his bench, who never sees a field of waving corn, who never inhales the perfume of grasses and of flowers, is yet made the participator in all the bounties of Providence in the fructifying influence of the atmosphere, in the ripening rays of the sun, when the product of the soil is made cheaper to him every day by the abundance of the harvest. It is from his share in this bounty that the Populists want to exclude the American

workingman. To him we say, in the name of humanity, in the name of progress, you shall neither press a crown of thorns upon the brow of labor, nor place a scourge upon his back. You shall not rob him of any one advantage which he has gained by long years of study, of progress in the skill of his craft, and by the careful organization of the members who work with him at the same bench. You shall not obscure the golden prospect of a further improvement in his condition by a further appreciation of the cost of living as well as by a further cheapening of the dollar which is paid to him.

There can be no distress, there can be no hard times, when labor is well paid. The man who raises his hand against the progress of the workingman raises his hand against prosperity. He seeks to restrict the volume of production. He seeks to degrade the condition of the man who is steadily improving himself, and in his own improvement is accomplishing the improvement of all mankind. But this attempt will fail. I do not regret this campaign. I am glad this issue has arisen. The time has come when the people of this country will show their capacity for self-government. They will prove that the men who have led the world in the pathway of progress will be the jealous guardians of liberty and honor. They are not to be seduced by appeals to their cupidity or moved by threats of injury. They will forever jealously guard and trim the lamp of enlightenment, of progress. They will ever relentlessly press and crush under their heels the flaming torch of Populistic dscontent, Populistic agitation, and Populistic destruction. When this tide of Anarchy shall have receded, this tide of Populistic agitation, this assault upon common honesty and upon industry shall have abated forever, the foundations of this Republic will remain undisturbed. The Government will still shelter a people indissolubly wedded to liberty and order, jealously forbidding any distinction of burden or of privilege, conserving property, maintaining morality, resting forever upon the broad basis of American patriotism and American intelligence.

SIR EDWARD COKE

(1552–1634)

THE most celebrated of Sir Edward Coke's speeches, that in which he prosecuted Sir Walter Raleigh for treason, is grossly unjust to Raleigh, but it does equal violence to the true character of Coke himself. The speech shows a man insolent with the sense of authority, violent in his methods, and despotic in his habits of thought, while Coke, though in the case of Raleigh as in others he may have exceeded the brutality which seems to have been expected of a prosecuting attorney in his day, was essentially a Liberal in his construction of law and was so fearless in defending the common law of England and the liberties of the people against royal usurpation, that under Charles I. he was first imprisoned and then ordered into confinement at his house at Stoke Poges, "there to remain during his Majesty's pleasure." It has been said of Coke that he best represents among English lawyers that view of the common law which not only resulted in the resistance of the Commons to the Crown in England, but in the American Revolution against both Crown and Parliament. Such men as Samuel Adams and Jefferson are thought to have been largely indebted to Coke for views which did much to shape American institutions; and he is frequently put in antithesis to Blackstone as a representative of the liberal impulses of the common law.

Coke was born at Mileham, Norfolk, February 1st, 1552. He was Speaker of the House of Commons, 1592–93; Attorney-General, 1593–94; Chief-Justice of the Court of Common Pleas, 1606; and Chief-Justice of the King's Bench, 1613. As Chief-Justice of the King's Bench he fearlessly defended the common law against royal attempts to override it, and he was consequently removed November 15th, 1616. Elected to Parliament in 1620, he worked with Pym and Sir Robert Philips in favor of free speech, and was imprisoned with them in consequence. After his release he was one of those who drew up the Petition of Right. He died September 3d, 1634. His speech against Raleigh and his brutal diplomacy in forcing on his young daughter Frances a purely political marriage with Sir John Villiers are blots upon his reputation, but he is justly ranked as one of the greatest men of England and one of the greatest lawyers of modern times.

PROSECUTING SIR WALTER RALEIGH

(Delivered at the Trial of Sir Walter Raleigh for High Treason at Winchester, November 17th, 1603, Coke Being Then the King's Attorney-General)

I MUST first, my lords, before I come to the cause, give one caution, because we shall often mention persons of eminent places, some of them great monarchs; whatever we say of them we shall but repeat what others have said of them,—I mean the capital offenders in their confession. We professing law must speak reverently of kings and potentates. I perceive these honorable lords and the rest of this great assembly are come to hear what hath been scattered upon the wrack of report. We carry a just mind to condemn no man but upon plain evidence. Here is mischief, mischief *in summo gradu*, exorbitant mischief. My speech shall chiefly touch these three points: imitation, supportation, and defense. The imitation of evil ever exceeds the precedent; as, on the contrary, imitation of good ever comes short. Mischief cannot be supported but by mischief; yea, it will so multiply that it will bring all to confusion. Mischief is ever underpropped by falsehood or foul practices; and because all these things did occur in this treason, you shall understand the main, as before you did the bye. The treason of the bye consisteth in these points: first that the Lords Grey, Brook, Markham, and the rest, intended by force in the night to surprise the King's Court; which was a rebellion in the heart of the realm, yea, in the heart of the heart, in the Court. They intended to take him that is a sovereign to make him subject to their power, purposing to open the doors with muskets and cavaliers, and to take also the Prince and the Council; then under the King's authority to carry the King to the Tower, and to make a stale of the admiral. When they had the King there to extort three things from him: First, a pardon for all their treasons; second, a toleration of the Roman superstition, which their eyes shall sooner fall out than they shall ever see,—for the King hath spoken these words in the hearing of many: "I will lose the crown and my life before ever I will alter religion." And third, to remove counselors. In the room of the Lord Chancellor they would have placed one Watson, a priest, absurd in humanity and ignorant in divinity. Brook, of whom I will

speak nothing, was to be Lord Treasurer. The great Secretary must be Markham, *oculus patriæ*. A hole must be found in my Lord Chief-Justice's coat. Grey must be Earl-Marshal, and Master of the Horse, because he would have a table in the Court; marry, he would advance the Earl of Worcester to a higher place. All this cannot be done without a multitude; therefore Watson, the priest, tells a resolute man that the King was in danger of Puritans and Jesuits — so to bring him in blindfold into the action, saying, That the King is no king until he be crowned; therefore every man might right his own wrongs. But he is *rex natus*, his dignity descends as well as yours, my lords. Then Watson imposeth a blasphemous oath, that they should swear to defend the King's person; to keep secret what was given them in charge, and seek all ways and means to advance the Catholic religion. Then they intend to send for the Lord Mayor and the aldermen in the King's name to the Tower, lest they should make any resistance, and then to take hostages of them, and to enjoin them to provide for them victuals and munition. Grey, because the King removed before midsummer, had a further reach, to get a company of sword-men to assist the action; therefore he would stay till he had obtained a regiment from Ostend or Austria. So you see these treasons were like Sampson's foxes which were joined in their tails, though their heads were severed.

Raleigh — You, gentlemen of the jury, I pray remember, I am not charged with the Bye, that being the treason of the priest.

Coke — You are not. My lords, you shall observe three things in the Treasons: 1. They had a watchword (the King's safety); their Pretense was *Bonum in se;* their Intent was *Malum in se.* 2. They avouched Scripture; both the priests had *Scriptum est;* perverting and ignorantly mistaking the Scriptures. 3. They avouched the common law to prove that he was no king until he was crowned, alleging a statute of 13 Elizabeth. This, by way of imitation, hath been the way of all traitors. In the 20th of Edward II., Isabella the Queen and the Lord Mortimer gave out that the King's person was not safe, for the good of the Church and the Commonwealth The Bishop of Carlisle did preach on this text, "My head is grieved," meaning by the head the King; that when the head began to be negligent, the people might reform what is amiss. In the 3d of Henry IV., Sir Roger Clarendon, accompanied with two priests, gave out that Richard II.

was alive when he was dead. Edward III. caused Mortimer's head to be cut off for giving counsel to murder the King. Sir Henry Stanley found the crown in the dust and set it on the king's head; when Fitzwater and Garret told him that Edward V. was alive he said, "If he be alive, I will assist him." But this cost him his head. Edmund de la Pole, Duke of Suffolk, killed a man in the reign of Henry VII. for which the king would have him hold up his hand at the bar, and then pardoned him. Yet he took such an offense thereat that he sent to the noblemen to help to reform the Commonwealth, and then said he would go to France and get power there. Sir Roger Compton knew all the Treason, and discovered Windon and others that were attainted. He said there was another thing that would be stood upon, namely, that they had but one witness. Then he vouched one Appleyard's case, a traitor in Norfolk, who said a man must have two accusers. Helms was the man that accused him; but Mr. Justice Catlin said that that statute was not in force at that day. His words were, "Thrust her into the ditch." Then he went on speaking of accusers, and made this difference: an accuser is a speaker by report, when a witness is he that upon his oath shall speak his knowledge of any man. A third sort of evidence there is likewise, and this is held more forcible than either of the other two; and that is, when a man, by his accusation of another, shall, by the same accusation, also condemn himself, and make himself liable to the same fault and punishment. This is more forcible than many witnesses. So then so much by way of imitation. (Then he defined Treason. Treason in the heart, in the hand, in the mouth, in consummation; comparing that *in corde*, to the root of a tree; *in ore*, to the bud; *in manu*, to the blossom; and that which is *in consummatione*, to the fruit.) Now I come to your charge, you of the jury, the greatness of treason is to be considered in these two things: *determinatione finis*, and *electione mediorum.* This treason excelleth in both, for that it was to destroy the king and his progeny. These treasons are said to be *crimen læsæ majestatis;* this goeth further, and may be termed *crimen extirpandæ regiæ majestatis et totius progeniei suæ.* I shall not need, my lords, to speak anything concerning the King, nor of the bounty and sweetness of his nature, whose thoughts are innocent, whose words are full of wisdom and learning, and whose works are full of honor, although it be a true saying, *Nunquam nimis quod*

nunquam satis. But to whom do you bear malice? To the children?

Raleigh — To whom speak you this? You tell me news I never heard of.

Coke — Oh, sir, do I? I will prove you the notoriousest traitor that ever came to the bar. After you have taken away the King, you would alter religion: as you Sir Walter Raleigh, have followed them of the Bye in imitation; for I will charge you with the words.

Raleigh — Your words cannot condemn me; my innocency is my defense. Prove one of these things wherewith you have charged me, and I will confess the whole indictment, and that I am the horriblest traitor that ever lived, and worthy to be crucified with a thousand thousand torments.

Coke — Nay, I will prove all; thou art a monster; thou hast an English face, but a Spanish heart. Now you must have money; Aremberg was no sooner in England (I charge thee Raleigh) but thou incitedst Cobham to go unto him for money, to bestow on discontented persons, to raise rebellion on the kingdom.

Raleigh — Let me answer for myself.

Coke — Thou shalt not.

Raleigh — It concerneth my life.

The Lord Chief-Justice — Sir Walter Raleigh, Mr. Attorney is but yet in the general; but when the King's counsel have given the evidence wholly you shall answer every particular.

Coke — Oh, do I touch you?

Lord Cecil — Mr. Attorney, when you have done with this general charge, do you not mean to let him answer every particular?

Coke — Yes, when we deliver the proofs to be read. Raleigh procured Cobham to go to Aremberg, which he did by his instigation; Raleigh supped with Cobham before he went to Aremberg; after supper, Raleigh conducted him to Durham House; from thence Cobham went with Lawrency, a servant of Aremberg, unto him, and went in by a back way. Cobham could never be quiet until he had entertained this motion, for he had four letters from Raleigh. Aremberg answered: The money should be performed, but knew not to whom it should be distributed. Then Cobham and Lawrency came back to Durham House, where they found Raleigh. Cobham and Raleigh went

up, and left Lawrency below, where they had secret conference in a gallery; and after, Cobham and Lawrency departed from Raleigh. Your jargon was peace. What is that? Spanish invasion, Scottish subversion! And again, you are not a fit man to take so much money for procuring of a lawful peace, for peace procured by money is dishonorable. Then Cobham must go to Spain, and return by Jersey, where you were captain; and then, because Cobham had not so much policy, or at least wickedness, as you, he must have your advice for the distribution of the money. Would you have deposed so good a king, lineally descended from Elizabeth, eldest daughter of Edward IV.? Why then must you set up another? I think you meant to make Arabella a titular queen, of whose title I will speak nothing; but sure you meant to make her a stale. Ah, good lady you could mean her no good.

Raleigh — Did I ever speak with this lady?

Coke — I will track you out before I have done. Englishmen will not be led by persuasion of words, but they must have books to persuade.

Raleigh — The book was written by a man of your profession, Mr. Attorney.

Coke — I would not have you impatient.

Raleigh — Methinks you fall out with yourself, I say nothing.

Coke — By this book you would persuade men that he is not the lawful king. Now let us consider some circumstances. My lords, you know my Lord Cobham (for whom we all lament and rejoice; lament that his house, which hath stood so long unspotted, is now ruinated; rejoice, in that his treasons are revealed); Raleigh was both united in the cause with him, and therefore cause of his destruction. Another circumstance is the secret contriving of it. Humphry Stafford claimed sanctuary for treason. Raleigh in his Machiavelian policy hath made a sanctuary for treason. He must talk with none but Cobham; because, saith he, one witness can never condemn me. For Brook said unto Sir Griffith Markham, "Take heed how you do make my Lord Cobham acquainted; for whatsoever he knoweth, Raleigh, the witch, will get it out of him." As soon as Raleigh was examined on one point of treason concerning my Lord Cobham, he wrote to him thus: "I have been examined of you, and confessed nothing." Further, you sent to him by your trusty Francis Kemish, that one witness could not condemn; and therefore bade

his lordship to be of good courage. Came this out of Cobham's quiver? No; but out of Raleigh's Machiavelian and devilish policy. Yea, but Cobham did retract it; why then did ye urge it? Now, then, see the most horrible practices that ever came out of the bottomless pit of the lowest hell. After that Raleigh had intelligence that Cobham had accused him, he endeavored to have intelligence from Cobham, which he had gotten by young Sir John Payton; but I think it was the error of his youth.

Raleigh — The lords told it me, or else I had not been sent to the Tower.

Coke — Thus Cobham, by the instigation of Raleigh, entered into these actions; so that the question will be whether you are not the principal traitor, and he would nevertheless have entered into it. Why did Cobham retract all that same? First, because Raleigh was so odious, he thought he should fare the worse for his sake. Second, he thought thus with himself: If he be free, I shall clear myself the better. After this Cobham asked for a preacher to confer with, pretending to have Doctor Andrews; but, indeed, he meant not to have him, but Mr. Galloway, a worthy and reverend preacher, who can do more with the king (as he said) than any other; that he, seeing his constant denial, might inform the king thereof. Here he plays with the preacher. If Raleigh could persuade the lords, that Cobham had no intent to travel, then he thought all should be well. Here is forgery. In the Tower, Cobham must write to Sir Thomas Vane, a worthy man, that he meant not to go into Spain; which letter Raleigh devised in Cobham's name.

Raleigh — I will wash my hands of the indictment, and die a true man to the king.

Coke — You are the absolutest traitor that ever was.

Raleigh — Your phrases will not prove it.

Coke — Cobham writeth a letter to my Lord Cecil, and doth will Mellis's man to lay it in a Spanish Bible, and to make as though he found it by chance. This was after he had intelligence with this viper, that he was false.

Lord Cecil — You mean a letter intended to me; I never had it.

Coke — No, my lord, you had it not. You, my masters of the jury, respect not the wickedness and hatred of the man, respect his cause; if he be guilty, I know you will have care of it, for

the preservation of the King, the continuance of the Gospel authorized, and the good of us all.

Raleigh — I do not hear yet, that you have spoken one word against me; here is no treason of mine done; if my Lord Cobham be a traitor, what is that to me?

Coke — All that he did was by thy instigation, thou viper; for I thou thee, thou traitor!

Raleigh — It becometh not a man of quality and virtue, to call me so; but I take comfort in it, it is all you can do.

Coke — Have I angered you?

Raleigh — I am in no case to be angry.

Chief-Justice Popham — Sir Walter Raleigh, Mr. Attorney speaketh out of the zeal of his duty, for the services of the king, and you for your life; be valiant on both sides!

CHIEF-JUSTICE COLERIDGE ON THE BENCH.

Photogravure after the Painting by Sir Arthur Clay, Bart. in the Grosvenor Gallery.

The Chief-Justice Coleridge is shown seated. Standing next to him is Baron Pollock and with his back to us Mr. Justice A. L. Smith, then serving on the bench of the English Court of Criminal Appeal, which Sir Arthur Clay's painting represents in the act of hearing the argument of counsel on an important law point.

JOHN DUKE COLERIDGE

(1820–1894)

JOHN DUKE COLERIDGE, Baron Coleridge, and Lord Chief-Justice of England, was born December 3d, 1820. His father, Sir John Taylor Coleridge, a nephew of the poet, was a Justice of the King's Bench and the editor of Blackstone's "Commentaries." The son, John Duke Coleridge, soon rose to eminence at the bar. After becoming Queen's Counsel he was appointed Chief-Justice of the Court of Common Pleas in 1873, and in 1880 Lord Chief-Justice of England. In 1865 he appeared as counsel for the defendant in what was, at the time, a celebrated breach-of-promise case, tried before Lord Chief-Justice Cockburn in the Court of Queen's Bench, at Westminster. The position in which he was placed was difficult, not to say impossible, as after making an attack on the character of the lady plaintiff, the defendant had found himself unable to maintain it, and had been obliged to recede from it. It was in this connection that the future Lord Chief-Justice made the eloquent address on The Sacredness of Matrimony — which, however, did not prevent the jury from giving the injured lady, whom he condemned for taking advantage of the weakness of his client, a verdict of two thousand pounds. It is possible that even Curran, whose eloquence in similar cases was frequently at its best, might have fared no better had he been rash enough to appeal to a British jury against the woman in the case. Lord Chief-Justice Coleridge died June 14th, 1894.

THE SACREDNESS OF MATRIMONY

(Delivered in the Court of Queen's Bench, Westminster, 1865)

MAY it please your Lordship and Gentlemen of the Jury, the advocate of the defendant, in which character I appear before you to-day, has no doubt cast upon him a hard task. He has to defend a gentleman from the result of a breach of a contract which he, no doubt, deliberately entered into, and he has to do that after a very strong attack made upon his client by one of the ablest counsel in Westminster Hall [Mr. Bovill, Q. C.,

Counsel for the Plaintiff]. I am only giving you credit for the ordinary feelings of our common humanity, in supposing that you will not consider that a trivial or commonplace consideration would justify the defendant as a man of sense and a man of honor in not fulfilling his hasty and unnatural promise. These thoughts, no doubt, have already suggested themselves to your mind, if they have not been driven away by the somewhat vigorous vituperations to which my friend has subjected the defendant; but I cannot help thinking that if you bring to the consideration of this case, as I am sure you will, a calm and impartial understanding, you will see that the damages are of a very trivial character — that they are even nominal in amount, and that a nominal sum, at the most, is all the defendant ought to pay for having unquestionably broken a promise which he unquestionably made. The facts of this case are singularly few, undisputed, and simple, and I will try to make my comments on them correspondingly brief. It is idle to put before you considerations in the soundness of which I do not believe, and the fallacy of which your understandings would immediately detect. I am not going to say for one moment that there has not been a most deliberate promise of marriage made by the defendant. I am not here to contend before you that the promise so deliberately made has not, with a full view of all the circumstances attendant on it, been resolutely and deliberately broken; and therefore the question is, What damages, if any, has the defendant to pay for having brought himself within the perils of the law? Gentlemen, the questions really to consider in this case are: What is the contract made? Who were the parties to the contract? How came it to be made? and, under what circumstances was it departed from? Those are the simple and plain issues in the case. First of all, to begin with, What was the contract? The contract, as you will hear by and by, was a contract to assume the most solemn, the most touching, the most intimate relations in which one human being can possibly stand to another, so that they are "no more twain, but one flesh." Respect, esteem, and love on both sides, are its true foundation. And, gentlemen, you will give me leave to say that those disgrace themselves and profane the sacred ordinance of marriage who enter upon it from bad motives or in an unworthy temper; and you will give me leave to say further, that those who seek to do so are not to be heard when they come into a court to

claim damages which, from their own conduct, they are not entitled to. *Ex turpi causa non oritur actio*, or, to use the beautiful paraphase of Lord Mansfield, "Justice must be drawn from pure fountains." Who are the parties to the contract? One of them is a Colonel, not old in years, if you count by the calendar, but aged and enfeebled by a wasting disease,—crippled from the middle downwards, one leg entirely and the other partially, so that he is like the king in the 'Arabian Nights,' "half flesh and half marble"—heavily embarrassed in circumstances, but able to settle five hundred pounds a year on his wife. If I am not entitled to say he was intemperate in habits, he had habits which one of the witnesses said "he had not been weaned from," and which it was desirable he should be weaned from. Weakened and afflicted by the cruel and repeated assaults of his disorder, he was a person who could have had, in the eyes of a lady like the plaintiff, one recommendation and one only, namely, the fact that he could charge his estates in her favor.

Gentlemen, who is the other party to the contract? A woman in mature life also; only recently brought into the close and intimate relation in which you have heard she stood to the defendant. She was fully aware of his infirmities, and was trading in them, taking advantage of his weakness and of his temporary removal from all those friends who had surrounded him,—except the friends of her own immediate connection,—that she might drive with him her hard and disgusting bargain, and failing which she seeks to carry away the *spolia opima* of the diamond ring and the £5,000 damages. Not for her the pure sacred abandonment of self, which is the young virginity of affection. Not for her those loving and bright inspirations which lift us up above ourselves; which for a time hallow the worst of us, and elevate the most degraded. Nor for her those visions of a happy home, enlivened with bright children, circled in with its own sacred fence of love and joy, which is alike the brightest prospect of the bride and the dearest consolation of the widow. She was prepared to go to God's altar with totally different feelings—to assume the defendant's name and position to the injury of his family. For this purpose she was willing to subject herself to his caresses, and to undergo his paralytic embraces, setting herself up for sale in market overt like any other piece of merchandise; and for all these degrading compliances, money, and money only, was the miserable compensation. Gentlemen, in other

countries, where men are despots because women are slaves, women are treated as brute beasts, sold in the market like any other animal or chattel; and in such countries little is thought of the degradation, because it is the common lot. But in free and happy England, where a woman can marry for affection when she will,—marry on equal terms, marry with Christian dignity,—such a marriage contract as is sought to be here enforced is an indecency, an outrage, and a crime; and I trust you will not forget, when you look at the circumstances of this case, what was the contract the plaintiff strove to enter into with her intended husband. The defendant is a gentleman living in Wales, having a large place called Nant Eos, and also estates in other parts of the country. He had two other shooting boxes, which I suppose he reserved for his friends, as I presume he cannot himself shoot much out of his chair, in which it seems he is wheeled about. The defendant, early in this year, had a number of friends staying with him, among others the family of the plaintiff. A joke passed about leap year, the woman asking the man to marry her; and she appears to have asked him. I suppose the defendant's position may have been one that some women would desire to share, for it appears three women asked him, and amongst them was the plaintiff; and it appears that what passed at the time as a joke was considered as a serious matter in the mind of the defendant. . . .

At the same time, recollect who the defendant is, what the state of his mind and body has been proved to be. He is a man who has had nine or ten paralytic attacks, in London, since the last time he contested the county, which was in 1859; and that was known to Doctor King. Now, suppose for a moment he, having determined to break off this engagement, stated to a person perfectly unconnected with him, and perfectly trustworthy, the facts which he afterwards imported into the plea, and which he repeats. If it is a thing that can be proved, the way most people do is to state things when others have got to prove them,—they state them with a degree of confidence which, if they had to prove them themselves, and were responsible, they would not think of doing. Supposing a charge was made in the most perfect good faith, and the very nature of the charge would satisfy you that it was believed at the time, and under those circumstances the charge was first made, and afterwards persevered in, when it really comes to be looked into, it turns out there is not

a pretense for it, and that it never should have been suggested; what can a gentleman do more than what he has done — to write to the other attorney; take out a summons, to strike off the plea, and pay the expenses attending it, and to desire me to express his regret that it ever was pleaded? Gentlemen, although I am the defendant's advocate, I can see two sides to this question. As far as the plaintiff is concerned, she was not injured by it, if she is the person I believe her to be, and which I now state on the part of the defendant he believed her to be; stating such a charge as that and persevering in it might, no doubt, wound and distress some women, but, gentlemen, do forgive me for observing, we are not trying that. The question here to-day is whether the defendant broke his word, and if he broke it, what ought he to pay for having broken it. If he pleaded a plea for which there was no foundation, and put the plaintiff for some weeks to anxiety and inconvenience, still that is a matter now removed from your consideration. We have done all we possibly can do, we have withdrawn the plea, apologized for the plea, and have said there was no foundation for the plea, and that we were extremely sorry that ever the plea had found its way into the record. What further can a man do beyond saying he has made a mistake? As far as human language can go to rectify it, I express to you the most sincere regret that the mistake should have occurred. Any man may be subject to false information, and may make statements which he meant to prove. If he find he cannot prove them he ought to say so, and apologize, and make every reparation to the person whom he has unwittingly injured. Do not, when you come by and by to see what is the real issue in the case, and the real loss which the plaintiff has sustained, punish the defendant for a mistake which arose before the cause of action in this case of which she now complains, and for which the defendant has abundantly apologized. That seems to me nearly to exhaust the whole of the observations I have to make. You have got the case before you, and you have seen what the contract really was, the circumstances under which it was made, and how it was broken off. The question is, What are the real damages that the plaintiff has sustained in this case? Has she lost a marriage? It certainly can scarcely be called a marriage, to marry a man who could but be a husband in one sense. My friend does not suggest that there was anything like a shock or distress to her feelings on that account. He does not pretend

that there was anything like affection, esteem, or love to the defendant, or that the plaintiff's heart was wounded, in respect of which she is entitled to compensation. It is said that this is a monetary action for a money loss, as she might have had a settlement upon her; for monetary loss she is entitled to ask the jury for compensation. Putting aside the accusation which has been atoned for, it is quite true this is a monetary action, but an action in which, most justly and rightly, the character of the parties is always taken into account; and there is no general rule by which damages in a matter of this kind can be estimated. There was a case before my lord the other day when we were refreshed by hearing some of the tones of that great eloquence which used to ring high and clear not so very long ago from these same benches. In that case a girl had given herself up for life to be the affianced wife of a gentleman who had thrown her aside and discarded her, without reason and without redress. There the jury meted out damages with no niggard hand. But this is not that case: the plaintiff in this case is not that sort of plaintiff; you cannot give her special damages in this case, without, to some extent, approving of the conduct she pursued, and encouraging women in a like situation to follow in her steps; and, apart from idle declamation, and according to plain common sense, if you agree with me in the view of her conduct which I have endeavored to put before you, it will follow that you will agree with me when I say that she has forgotten the dignity of her sex, and by her conduct lowered our ideas of that which we most esteem, reverence, and admire in the character of woman. I sincerely trust that you twelve English gentlemen will pause before you do anything that will give the faintest shadow of countenance to conduct such as the plaintiff has pursued; and that, if you think a promise was made, and a promise broken, and that it must be followed by some damages, you will say they ought to be most trivial if not nominal in amount.

SCHUYLER COLFAX

(1823–1885)

SCHUYLER COLFAX represented an Indiana district in Congress continuously from December 3d, 1855, to March 23d, 1869. During the last six years of this time, he was Speaker of the House. As editor and proprietor of the South Bend, Indiana, Register, he was one of the organizers of the Republican party, and from its first contests to the close of his public career, he was always in great demand as a campaign orator. He was elected Vice-President on the ticket with General Grant in 1868, and served until March 3d, 1873, when he retired to South Bend, and thereafter appeared in public only as a lecturer. He was born in New York city, March 23d, 1823. Going with his parents to Indiana in 1836, and receiving a common-school education, he began to take an active part in politics as soon as he was old enough to vote. He died of heart disease at Mankato, Minnesota, January 13th, 1885.

THE CONFISCATION OF REBEL PROPERTY

(From a Speech Delivered in the House of Representatives, April 23d, 1862)

THE bill that was laid on the table a short time ago would have left the matter in a very indefinite state, as I thought, in scanning its provisions after our adjournment last night. I was in favor of the first section of the bill, which declares that any man who shall hereafter willfully persist in the unholy rebellion against this Government shall be stripped of his property, of his stocks, of his money, and effects. But the second section provides that these proceedings shall be in the United States court, and that that court is to order this property to be sold. And when I recollected the decision of the Supreme Court of the United States made at one time in reference to "property," a decision which helped to inflame the South into demands for "rights" never before recognized, I felt it might possibly decide that the slaves of these rebels were "property," and that then we should be held up before the country and before the world

as authorizing the slaves of rebels to be sold, and their proceeds to be paid into the Treasury. I do not myself, as the House knows, regard slaves as property. They are persons "held to labor," to use the language of the Constitution. But I have grave doubts as to what the Supreme Court would decide, and the bill just laid on the table having been under the previous question, and therefore not amendable, I prefer that we shall ourselves settle this important point indisputably by the details of whatever bill we may pass, and not leave it as a vague question of construction to the courts. . . .

The engineers of this rebellion — the Catilines who sat here in the council chambers of the Republic, and who, with the oath on their lips and in their hearts to support the Constitution of the United States, plotted treason at night, as has been shown by papers recovered at Florida, particularly the letter of Mr. Yulee, describing the proceedings of the midnight conclaves of these men to their confederates in the Southern States — should be punished by the severest penalties of the law, for they have added to their treason perjury, and are doubly condemned before God and man. Never, in any land, have there been men more guilty and more deserving of the extremest terrors of the law. The murderer takes but a single life, and we call him infamous. But these men wickedly and willfully plunged a peaceful country into the horrors of civil war, and inaugurated a régime of assassination and outrage against the Union men in their midst, hanging, plundering, and imprisoning, in a manner that throws into the shade the atrocities of the French Revolution. Not content with this, they aimed their blows at the life of the Republic itself; and on many a battlefield, in a carnival of blood, they sought not only to destroy the Union itself, but to murder its defenders. Plunging into even still darker crimes, they have bayoneted the wounded on the field of carnage, buried the dead that fell into their hands with every possible ignominy, and then, to gloat their revenge, dug up their lifeless remains from the tomb, where even savages would have allowed them to rest, and converted their skulls into drinking cups — a barbarism that would have disgraced the Visigoths of Alaric the barbarian, in the dark ages of the past. The blood of our soldiers cries out from the ground against them. Has not forbearance ceased longer to be a virtue? We were told a year ago that leniency would probably induce them to return to their allegiance, and to

cease this unnatural war; and what has been the result? Let the bloody battlefields of this conflict answer.

When I return home I shall miss many a familiar face that has looked in past years with the beaming eye of friendship upon me. I shall see those who have come home with constitutions broken down by exposure and wounds and disease to linger and to die. I shall see women whom I have met Sabbath after Sabbath leaning on beloved husbands' arms, as they went to the peaceful sanctuary, clothed now in widows' weeds. I shall see orphans destitute, with no one to train their infant steps into paths of usefulness. I shall see the swelling hillock in the graveyard — where, after life's fitful fever, we shall all be gathered — betokening that there, prematurely cut off by a rifle ball aimed at the life of the Republic, a patriot soldier sleeps. I shall see desolate hearthstones and anguish and woe on every side. Those of us here who come from Indiana and Illinois know too painfully the sad scenes that will confront us amid the circles of our constituents.

Nor need we ask the cause of all this suffering, the necessity for all these sacrifices. They have been entailed on us as part of the fearful cost of saving our country from destruction. But what a mountain of guilt must rest upon those who, by their efforts to destroy the Government and the Union, have rendered these terrible sacrifices necessary.

Standing here between the living and the dead, we cannot avoid the grave and fearful responsibility devolving on us. The people will ask us when we return to their midst: When our brave soldiers went forth to the battlefield to suffer, to bleed, and to die for their country, what did you civilians in the Halls of Congress do to cripple the power of the Rebels whom they confronted at the cannon's mouth? What legislation did you enact to punish those who are responsible, by their perjury and treason, for this suffering, desolation, and death? Did you levy heavy taxes upon us and our property to pay the expenses of a war into which we were unwillingly forced, and allow the men who are the guilty and reckless authors of it to go comparatively free? Did you leave the slaves of these Rebels to plant and sow and reap, to till their farms, and thus support their masters and the armies of treason, while they, thus strengthened, met us in the field? Did you require the patriots of the loyal States to give up business, property, home, health, life, and all for the

country, and yet hesitate about using the law-making power of the Republic to subject traitors to the penalties as to property and possessions which their crimes deserve? I would feel as if worthy of the severest condemnation for life, if I did not mete out to those who are the cause of all this woe and anguish and death, by the side of which all the vast expenses of the war dwindle into insignificance, the sternest penalties of the law while they still remain in arms in their parricidal endeavor to blot this country from the map of the world.

Why do we hesitate? These men have drawn the sword and thrown away the scabbard. They do not hesitate in punishing Union men within their power. They confiscate their property, and have for a year past, without any of the compunctions that trouble us here. They imprison John M. Botts for silently retaining a lingering love for the Union in his desolate home. They hang Union men in east Tennessee for bridge-burning, refusing them even the sympathy of a chaplain to console their dying hours. They persecute Brownlow because, faithful among the faithless, he refused, almost alone, in his outspoken heroism, to bow the knee to the Baal of their worship. Let us follow his counsel by stripping the leaders of this conspiracy of their possessions and outlawing them hereafter from the high places of honor and of trust they have heretofore enjoyed.

ROSCOE CONKLING

(1829–1888)

AFTER such leaders as Sumner and Seward had ceased to direct the course of the Republican party, Roscoe Conkling took, and long retained, national prominence as the leading representative of what finally came to be called its «stalwart» element. Between him and James G. Blaine, leader of the opposing element, there was a long-continued antagonism, first publicly developed during the celebrated debate in which Mr. Blaine compared Mr. Conkling to a turkey cock. The history of their time almost forces a comparison between the two men, each great in his own way. If Mr. Blaine had the broader intellect, the more extensive culture, the greater eloquence, the warmer sympathies, and the quicker apprehension, Mr. Conkling had in him a force which at times more than compensated for what would otherwise have been the overwhelming advantage of his rival. His strength of conviction, his decisiveness, his assured belief in his own cause, no matter what it was, his conviction that those whose errors he could see because their purposes conflicted with his own were «eternally wrong» gave him the one overwhelming element of strength which would have made Mr. Blaine irresistible had he possessed it in such a degree as adequately to represent the fiery passions and vindictive prejudices of the Civil War period. Something of the same contrast of character which exists between Conkling and Blaine is illustrated between Andrew Jackson and the great Kentuckian whom Mr. Blaine so admired. Mr. Conkling was hardly less assured of himself and of his cause, whatever it was at any given time, than was Andrew Jackson in his day. He became naturally the leader of the element which favored forcing the issues raised during the Civil War, until all opposition had been abandoned. He came thus into strong antagonism with members of his own party who wished to raise such new issues as that of Civil Service Reform. And as this same element was most strongly opposed to the nomination of President Grant for a third term, Mr. Conkling became a logical leader against them. His speech nominating Grant for a third term, delivered in the Republican National Convention in Chicago, in 1880, is perhaps the most celebrated nominating speech ever delivered in the country, and although it was apparently without immediate result, the impression it produced on

the convention doubtless had much to do with making Mr. Arthur Vice-President. Mr. Conkling was born October 30th, 1829, at Albany, New York. He was a Member of Congress from New York from 1859 to 1863, and from 1865 to 1867. Elected United States Senator in 1867, he resigned in 1881 as a result of a disagreement with President Garfield over the disposition of New York patronage. Defeated for re-election to the Senate, he retired from politics and practiced law with distinguished success up to the time of his death, April 18th, 1888.

NOMINATING GENERAL GRANT FOR A THIRD TERM

(Delivered in the National Republican Convention at Chicago, June 1880)

When asked whence comes our candidate, we say from Appomattox. Obeying instructions I should never dare to disregard, expressing, also, my own firm conviction, I rise in behalf of the State of New York to propose a nomination with which the country and the Republican party can grandly win. The election before us will be the Austerlitz of American politics. It will decide whether for years to come the country will be "Republican or Cossack." The need of the hour is a candidate who can carry the doubtful States, North and South; and believing that he more surely than any other can carry New York against any opponent, and carry not only the North, but several States of the South, New York is for Ulysses S. Grant. He alone of living Republicans has carried New York as a presidential candidate. Once he carried it even according to a Democratic count, and twice he carried it by the people's vote, and he is stronger now. The Republican party with its standard in his hand is stronger now than in 1868 or 1872. Never defeated in war or in peace, his name is the most illustrious borne by any living man; his services attest his greatness, and the country knows them by heart. His fame was born not alone of things written and said, but of the arduous greatness of things done, and dangers and emergencies will search in vain in the future, as they have searched in vain in the past, for any other on whom the nation leans with such confidence and trust. Standing on the highest eminence of human distinction, and having filled all lands with his renown, modest, firm, simple, and self-poised, he has seen not only the titled but the poor and the lowly in the utmost ends of the world rise and uncover before him. He

has studied the needs and defects of many systems of government, and he comes back a better American than ever, with a wealth of knowledge and experience added to the hard common sense which so conspicuously distinguished him in all the fierce light that beat upon him throughout the most eventful, trying, and perilous sixteen years of the nation's history.

Never having had "a policy to enforce against the will of the people," he never betrayed a cause or a friend, and the people will never betray or desert him. Vilified and reviled, truthlessly aspersed by numberless presses, not in other lands, but in his own, the assaults upon him have strengthened and seasoned his hold upon the public heart. The ammunition of calumny has all been exploded; the powder has all been burned once, its force is spent, and General Grant's name will glitter as a bright and imperishable star in the diadem of the Republic when those who have tried to tarnish it will have moldered in forgotten graves and their memories and epitaphs have vanished utterly.

Never elated by success, never depressed by adversity, he has ever in peace as in war shown the very genius of common sense. The terms he prescribed for Lee's surrender foreshadowed the wisest principles and prophecies of true reconstruction.

Victor in the greatest of modern wars, he quickly signalized his aversion to war and his love of peace by an arbitration of international disputes which stands as the wisest and most majestic example of its kind in the world's diplomacy. When inflation, at the height of its popularity and frenzy, had swept both houses of Congress, it was the veto of Grant which, single and alone, overthrew expansion and cleared the way for specie resumption. To him, immeasurably more than to any other man, is due the fact that every paper dollar is as good as gold. With him as our leader we shall have no defensive campaign, no apologies or explanations to make. The shafts and arrows have all been aimed at him and lie broken and harmless at his feet. Life, liberty, and property will find a safeguard in him. When he said of the black man in Florida, "Wherever I am they may come also," he meant that, had he the power to help it, the poor dwellers in the cabins of the South should not be driven in terror from the homes of their childhood and the graves of their murdered dead. When he refused to receive Denis Kearney he meant that the lawlessness and communism, although it should dictate laws to a whole city, would everywhere meet a foe in

him, and, popular or unpopular, he will hew to the line of right, let the chips fly where they may.

His integrity, his common sense, his courage, and his unequaled experience are the qualities offered to his country. The only argument against accepting them would amaze Solomon. He thought there could be nothing new under the sun. Having tried Grant twice and found him faithful, we are told we must not, even after an interval of years, trust him again. What stultification does not such a fallacy involve? The American people exclude Jefferson Davis from public trust. Why? Because he was the arch traitor and would be a destroyer. And now the same people are asked to ostracize Grant and not trust him. Why? Because he was the arch preserver of his country; because, not only in war, but afterward, twice as a civic magistrate, he gave his highest, noblest efforts to the Republic. Is such absurdity an electioneering jugglery or hypocrisy's masquerade?

There is no field of human activity, responsibility, or reason in which rational beings object to Grant because he has been weighed in the balance and not found wanting, and because he has had unequaled experience, making him exceptionally competent and fit. From the man who shoes your horse to the lawyer who pleads your case, the officer who manages your railway, the doctor into whose hands you give your life, or the minister who seeks to save your soul, what now do you reject because you have tried him and by his works have known him? What makes the presidential office an exception to all things else in the common sense to be applied to selecting its incumbent? Who dares to put fetters on the free choice and judgment, which is the birthright of the American people? Can it be said that Grant has used official power to perpetuate his plan? He has no place. No official power has been used for him. Without patronage or power, without telegraph wires running from his house to the convention, without electioneering contrivances, without effort on his part, his name is on his country's lips, and he is struck at by the whole Democratic party because his nomination will be the deathblow to Democratic success. He is struck at by others who find offense and disqualification in the very service he has rendered and the very experience he has gained. Show me a better man. Name one and I am answered; but do not point, as a disqualification, to the very facts which make this man fit beyond all others. Let not experience disqualify or excellence

impeach him. There is no third term in the case, and the pretense will die with the political dog-days which engendered it. Nobody is really worried about a third term except those hopelessly longing for a first term and the dupes they have made. Without bureaus, committees, officials or emissaries to manufacture sentiment in his favor, without intrigue or effort on his part, Grant is the candidate whose supporters have never threatened to bolt. As they say, he is a Republican who never wavers. He and his friends stood by the creed and the candidates of the Republican party, holding the right of a majority as the very essence of their faith, and meaning to uphold that faith against the common enemy and the charletans and the guerrillas who from time to time deploy between the lines and forage on one side or the other.

The Democratic party is a standing protest against progress. Its purposes are spoils. Its hope and very existence is a solid South. Its success is a menace to prosperity and order.

This convention, as master of a supreme opportunity, can name the next President of the United States and make sure of his election and his peaceful inauguration. It can break the power which dominates and mildews the South. It can speed the nation in a career of grandeur eclipsing all past achievements. We have only to listen above the din and look beyond the dust of an hour to behold the Republican party advancing to victory with its greatest marshal at its head.

THE STALWART STANDPOINT

(From a Speech in the United States Senate, April 24th, 1879)

We are told that forty-five million people are in danger from an army nominally of twenty-five thousand men scattered over a continent, most of them beyond the frontiers of civilized abode. Military power has become an affrighting spectre. Soldiers at the polls are displeasing to a political party. What party? That party whose administration ordered soldiers, who obeyed, to shoot down and kill unoffending citizens here in the streets of Washington on election day; that party which has arrested and dispersed legislatures at the point of the bayonet; that party which has employed troops to carry elections to decide that a State should be slave and should not be free; that party

which has corraled courts of justice with national bayonets, and hunted panting fugitive slaves, in peaceful communities, with artillery and dragoons; that party which would have to-day no majority in either house of Congress except for elections dominated and decided by violence and fraud; that party under whose sway, in several States, not only the right to vote, but the right to be, is now trampled under foot.

Such is the source of an insulting summons to the Executive to become *particeps criminis* in prostrating wholesome laws, and this is the condition on which the money of the people, paid by the people, shall be permitted to be used for the purposes for which the people paid it.

Has the present national administration been officiously robust in checking the encroachments and turbulence of Democrats, either by the use of troops or otherwise? I ask this question because the next election is to occur during the term of the present administration. What is the need of revolutionary measures now? What is all this uproar and commotion, this daring venture of partisan experiment for? Why not make your issue against these laws, and carry your issue to the people? If you can elect a President and a Congress of your thinking, you will have it all your own way.

Why now should there be an attempt to block the wheels of government on the eve of an election at which this whole question is triable before the principals and masters of us all? The answer is inevitable. But one truthful explanation can be made of this daring enterprise. It is a political, a partisan manœuvre. It is a strike for party advantage. With a fair election and an honest count, the Democratic party cannot carry the country. These laws, if executed, insure some approach to a fair election. Therefore they stand in the way, and therefore they are to be broken down.

I reflect upon no man's motives, but I believe that the sentiment which finds expression in the transaction now proceeding in the two houses of Congress has its origin in the idea I have stated. I believe that the managers and charioteers of the Democratic party think that with a fair election and a fair count they cannot carry the State of New York. They know that with free course, such as existed in 1868, to the ballot box and count, no matter what majority may be given in that State where the green grass grows, the great cities will overbalance and swamp it. They

know that with the ability to give eighty, ninety, one hundred thousand majority in the county of New York and the county of Kings, half of it fraudulently added, it is idle for the three million people living above the Highlands of the Hudson to vote.

This is a struggle for power. It is a fight for empire. It is a contrivance to clutch the National Government. That we believe; that I believe.

The nation has tasted and drunk to the dregs the sway of the Democratic party, organized and dominated by the same influences which dominate it again and still. You want to restore that dominion. We mean to resist you at every step and by every lawful means that opportunity places in our hands. We believe that it is good for the country, good for every man North and South who loves the country now, that the Government should remain in the hands of those who were never against it. We believe that it is not wise or safe to give over our nationality to the dominion of the forces which formerly and now again rule the Democratic party. We do not mean to connive at further conquests, and we tell you that if you gain further political power you must gain it by fair means, and not by foul. We believe that these laws are wholesome. We believe that they are necessary barriers against wrongs, necessary defenses for rights; and so believing, we will keep and defend them even to the uttermost of lawful honest effort.

The other day, it was Tuesday I think, it pleased the honorable Senator from Illinois [Mr. Davis] to deliver to the Senate an address, I had rather said an opinion, able and carefully prepared. That honorable Senator knows well the regard not only, but the sincere respect in which I hold him, and he will not misunderstand the freedom with which I shall refer to some of his utterances. Whatever else his sayings fail to prove, they did, I think, prove their author, after Mrs. Winslow, the most copious and inexhaustible fountain of soothing syrup. The honorable Senator seemed like one slumbering in a storm and dreaming of a calm. He said there was no uproar anywhere,—one would infer you could hear a pin drop,—from centre to circumference. Rights, he said, are secure. I have his language here. If I do not seem to give the substance aright, I will stop and read it. Rights secure North and South; peace and tranquillity everywhere. The law obeyed and no need of special provisions or anxiety. It was in this strain that the Senator discoursed.

Are rights secure, when fresh-done barbarities show that local government in one portion of our land is no better than despotism tempered by assassination! Rights secure, when such things can be, as stand proved and recorded by committees of the Senate! Rights secure, when the old and the young fly in terror from their homes, and from the graves of their murdered dead! Rights secure, when thousands brave cold, hunger, death, seeking among strangers in a far country a humanity which will remember that—

"Before man made them citizens,
Great nature made them men!"

Read the memorial signed by Judge Dillon, by the Democratic mayor of St. Louis, by Mr. Henderson, once a Member of the Senate, and by other men known to the nation, detailing what has been done in recent weeks on the Southern Mississippi. Read the affidavits accompanying this memorial. Has anyone a copy of the memorial here? I have seen the memorial. I have seen the signatures. I hope the honorable Senator from Illinois will read it, and read the affidavits which accompany it. When he does, he will read one of the most sickening recitals of modern times. He will look upon one of the bloodiest and blackest pictures in the book of recent years. Yet the Senator says all is quiet. "There is not such faith no not in Israel." Verily, "order reigns in Warsaw."

Solitudinem faciunt, pacem appellant.

Mr. President, the Republican party everywhere wants peace and prosperity — peace and prosperity in the South as much and as sincerely as elsewhere. Disguising the truth will not bring peace and prosperity. Soft phrases will not bring peace. "Fair words butter no parsnips." We hear a great deal of loose flabby talk about "fanning dying embers," "rekindling smoldering fires," and so on. Whenever the plain truth is spoken, these unctuous monitions, with a Peter Parley benevolence, fall copiously upon us. This lullaby and hush has been in my belief a mistake from the beginning. It has misled the South and misled the North. In Andrew Johnson's time a convention was worked up at Philadelphia, and men were brought from the North and South for ecstasy and gush. A man from Massachusetts and a man from South Carolina locked arms and walked

into the convention arm in arm, and sensation and credulity palpitated and clapped their hands, and thought a universal solvent had been found. Serenades were held at which "Dixie" was played. Later on, anniversaries of battles fought in the war of Independence were made occasions by men from the North and men from the South for emotional dramatic hugging ceremonies. General Sherman, I remember, attended one of them, and I remember also, that with the bluntness of a soldier and the wisdom and hard sense of a statesman, he plainly cautioned all concerned not to be carried away, and not to be fooled. But many have been fooled, and being fooled, have helped to swell the Democratic majorities which now display themselves before the public eye.

Of all such effusive demonstrations I have this to say: honest, serious convictions are not ecstatic or emotional. Grave affairs and lasting purposes do not express or vent themselves in honeyed phrase or sickly sentimentality, rhapsody, or profuse professions.

This is as true of political as of religious duties. The Divine Master tells us: "Not every one that saith unto me, Lord, Lord, shall enter into the kingdom of heaven; but he that doeth the will of my Father which is in heaven."

Facts are stubborn things, but the better way to deal with them is to look them squarely in the face.

The Republican party and the Northern people preach no crusade against the South. I will say nothing of the past beyond a single fact. When the war was over, no man who fought against his flag was punished even by imprisonment. No estate was confiscated. Every man was left free to enjoy life, liberty, and the pursuit of happiness. After the Southern States were restored to their relations in the Union, no man was ever disfranchised by national authority — not one. If this statement be denied, I invite any Senator to correct me. I repeat it. After the Southern State governments were rebuilded and the States were restored to their relations in the Union, by national authority, not one man for one moment was ever denied the right to vote, or hindered in the right. From the time that Mississippi was restored there never has been an hour when Jefferson Davis might not vote as freely as the honorable Senator in his State of Illinois. The North, burdened with taxes, draped in mourning, dotted over with newly-made graves tenanted by her bravest and

her best, sought to inflict no penalty upon those who had stricken her with the greatest, and, as she believed, the guiltiest rebellion that ever crimsoned the annals of the human race.

As an example of generosity and magnanimity, the conduct of the nation in victory was the grandest the world has ever seen. The same spirit prevails now. Yet our ears are larumed with the charge that the Republicans of the North seek to revive and intensify the wounds and pangs and passions of the war, and that the Southern Democrats seek to bury them in oblivion of kind forgetfulness.

AGAINST SENATOR SUMNER

(From the Debate in the United States Senate on Chinese Naturalization, March 1870)

THE Senator from Massachusetts says: "Let us have a recess." I fear the Greeks. He has no good-will for this bill; and if New York ever hold an honest election, it is to be in spite of the honorable Senator from Massachusetts, and not because he gives one ounce of aid to the Republican party in that State.

Mr. Sumner — I took the liberty of saying from my seat, "Have a recess." I said so sincerely. I am always in my place. I intended to be here to-night. I know not why the Senator from New York should strike back at me because I made that simple suggestion. He says that I gave no aid to his bill. I have voted for his bill from beginning to end on every proposition; and, as I now understand it, I shall to the end as faithfully as the Senator himself. But allow me to say that there is something higher than this bill; it is a great American principle which that Senator now, on the Fourth of July, declares his readiness to sacrifice. It shall not be sacrificed if I can save it.

Mr. Conkling — I shall never be able with the ostentation of the honorable Senator from Massachusetts to vaunt my great achievements in the cause of human progress, human equality, and human rights; yet when the volume is closed, though it should close with the now setting sun, I will put against the record of that Senator the humbler consistency of my own record from first to last. Nor do I fear that those who vote with

me, having some regard for common sense, and not alone for declamation, sensation, and high-sounding professions, will find "their ineffectual fires" paled before the blazing light of the distinguished Senator from Massachusetts.

I will vote to eliminate this amendment from the bill, and going to my constituents will say: "As the last sands were running out, when the time had come when, if ever, the protecting shield could be thrown around the ballot box, I had too much sincerity and too little regard for personal effect in the galleries and in the country to trample under foot a practical opportunity to do a good thing for the sake of a flourish of rhetoric or a vain and empty profession of love of human rights"; and pointing to the record of my votes, insignificant as that record may be, which has at least no vacant place where an entry might have been made in behalf of human progress and human rights, I will trust the intelligence and honesty of my constituents, by which they discern light from darkness, to discern also the difference between improving practically an occasion to do good and trifling it away by vaulting and hollow attempts which everybody knows can result in no good, and which mean nothing but popular pretension and striving after effect.

BENJAMIN CONSTANT

(1767–1830)

HENRI BENJAMIN CONSTANT DE REBECQUE was born October 25th, 1767, at Lausanne in Switzerland. In 1795 he removed to Paris, and attracting at once the attention of influential people, soon became prominent in the disturbed politics of that period. He was a member of the Tribunate from 1799 until 1802. Napoleon banished him, but he returned in 1814 and held office under Napoleon during the Hundred Days. As a result of the Bourbon victory he was again driven into exile, but returning in 1816 he was re-elected to the Chamber of Deputies, holding that position from 1819 to 1830. He published a number of works on political and ethical questions, at the head of which is generally ranked the 'Cours de Politique Constitutionnelle.' He died at Paris, December 8th, 1830. Constant stands in France for the advocacy of constitutional and representative government, such as that under which America and England have had their remarkable development. He has been admired for his earnestness and for his power of logical expression, but he had faults of delivery which impaired what might otherwise have been his commanding influence as an orator. It is said that his voice was dry and his manner stiff, and that his mind, though powerful, did not readily respond on the spur of the moment to demands made upon it for impromptus, so necessary for every one who aspires to political leadership.

FREE SPEECH NECESSARY FOR GOOD GOVERNMENT

(Delivered in the Chamber of Deputies at Paris, March 23d, 1820, Against Restricting the Liberty of the Press)

I WOULD ask the minister if he has reflected on the inevitable consequences incident to the suspension, temporary or otherwise, of the free circulation of our newspapers. It may render him ignorant of all that is passing in the cliques of parasites and flatterers at court. All governments, whether liberal or despotic (you see I eschew the words "foreign to the interests or rights of the people"), must rely for security on some means of knowing what is transpiring in the State. Even in Turkey the

viziers are sometimes irritated at being deceived by their pashas as to the situation of the provinces, and perhaps much may be attributed to the inexact knowledge a neighbor prince had of the dispositions of his garrisons when he saw them declare against him. Now, gentlemen, I assert it as a fact, that in suspending the free circulation of newspapers, the Government condemns itself to know nothing, except from the advices of its salaried servants, that is to say, it will never know more than half the facts, and frequently it will believe the opposite of the true conditions. To prove this truth I shall not resort to reasoning. Reasoning is too near liberty to need to be availed of. I shall invoke only a few facts, because facts are always the same. As we have seen, the chartered rights of the people may be demolished, but the facts remain impregnable.

Well, then, gentlemen, will you remember the occurrence in Lyons in June 1817? France was then under the exceptional laws under which you had placed her. Individual liberty was then, as it again will be, at the mercy of a ministry, and the censor made of journalism what you will do here in a week, if you adopt this proposed law.

What was the result then, gentlemen? A real or a sham conspiracy resulted. The severest measures were taken. Many men were put to death, and for a long time persecution was a political method. Well! All this was done and the Government did not know just what it was agitating for. The Government saw its error itself, for after all these executions had taken place, when, as a result, the conditions were irreparable, a marshal of France was sent to the field of these bloody severities to enlighten the ministry on the true state of things. In the meanwhile, they incarcerated, judged, condemned, executed, and all without knowing wherefore; for had it not been felt necessary to inform them, the tardy mission of M. le Maréchal Marmont would not have been thought necessary. I shall not enter into this lugubrious history, nor judge between those who affirm or deny their authority in the conspiracy. Who is right or wrong, — this has no bearing on what I would prove. What is important is that for months the Government was in ignorance of the facts and they had to send a personal messenger to report eyewitness on which they could depend.

But, gentlemen, it might have been otherwise. If in the Department of the Rhone there had been a single liberal journal,

this journal — Jacobin, Revolutionary, or whatever you would call it, might present things from a different point of view from the local authorities. The Government might hear the two sides. It should not commence by striking without reason, afterwards to send to find if it had any cause for striking.

I may be mistaken, but I think this side of the question has never been indicated, and that it is worth examination. In suspending the free circulation of newspapers, the ministry announce that they desire to hear or learn nothing save by their own agents,— that is to say if their agents are by imprudence, by any personal motives or passions, on a false route, they will learn from them only that which they think plausible to place their merit in evidence or to assure their justification. Is this to the interest of government? I ask the ministry to reflect. If at all times I treat this only from the standpoint of the interest of the ministry, it is because I would address them words they would hear. If it concerned them alone, I need not speak. All authority brings with it the penalties of its responsibilities, its vexations, and false measures; nothing can be more just and what the result would be to the ministry is to me indifferent.

But as the example at Lyons has shown us, the people resent this, and I would save the poor people a part of the sufferings towards which this new régime is inevitably conducting us. I call this a new régime, because it is different from what the charter had commenced to introduce in France. But I might as well and more justly call it the old régime, for it is the old régime which we are reconstructing piece by piece; *lettres de cachet*, censures, oligarchic elections — these are the bases of the edifice! The columns and the capitols will come later! I ask the ministry if they intend to govern France without knowing her. Will they adopt measures depending on events of which they are informed only by men whose interests are presumably to disguise them; to commit thus without profit to themselves much injustice which they can never repair? If this be their intent, the suspension of the liberty of the press is a sure method of its fulfillment. But if they find that the French people value the right of being heard before being condemned, and that twenty-eight million citizens should not be struck upon uncertain and possibly false reports, then the journals must be left free in their field of labor. Whatever the result, I am happy to have thus put the question. France will know if this be refused how much

importance the ministry attach to her requests by the lightness with which they treat them. I ask if they will do me the honor to reply, that they refute the example cited in the case of Lyons and not lose themselves in vague declamations in reply to the citation of a precise case.

Let us pass to another subject on which two words of explanation will be useful. To suspend the free circulation of the press is to place the newspapers in the hands of a minister, and to authorize the insertion in them of what he pleases.

Have you forgotten, gentlemen, what occurred when a law, similar to the one you would resurrect, gave to a cabinet minister this power? I would not speak of the elections. I should be ashamed to recapitulate facts so well known. It were idle almost to tell the damage caused, for in three successive elections, the minister discredited the official articles attacking the candidates. He only contributed to their election. On my part, I owe him gratitude in this respect and I pardon his intentions for their favorable results.

The facts I want you to consider are much more important. You will probably remember that in the summer of the year 1818 several individuals who had filled responsible functions were arrested because they were suspected of conspiracy. I am not called on to explain or to defend these individuals. Their innocence or their guilt has nothing to do with this matter. They were detained; they were ironed; they had yet to be judged; and as they were to be exposed to the rigors of justice, they had a rightful claim on its safeguards. General Canuel was among the number. Well, gentlemen, while General Canuel was incarcerated, what did the minister do? He selected a journal of which the editors were friendly to the inculpated, and in it inserted the most damaging articles, and as they related to a man who was untried and unconvicted, I call them the most infamous. These articles circulated throughout France, and he against whom they had been directed had not the power to respond with a line. Do you find in this ministerial usage of the press anything delicate, loyal, legitimate? It is this slavish use of the press they would solicit you to enact anew.

This condition can never be renewed. The constituency of our present ministry is a guarantee against it.

By a law against universal liberty, you place the rights of all citizens at the discretion of a ministry. By suspending the free-

dom of the press, you will place at their mercy all reputations. I shall not stop to examine the promises of the minister of the interior on this anodyne measure, which is to "stop personalities," to "encourage enlightenment," and to "leave writers free." What opinion have the censors?

Censors are to thought what spies are to innocence; they both find their gains in guilt, and where it does not exist they create it. Censors class themselves as lettered. Producing nothing themselves, they are always in the humor of their sterility. No writer who respects himself would consent to be a censor. The title of royal censor was almost a reproach under the ancient régime. Has it been rehabilitated under the imperial censorship? These men will bring into the monarchy all the traditions of the empire. They will treat the liberty of the press as they do the administration, and we shall be marching under the guidance of the errors of Bonaparte, without the prestige of his imperial glory and the quiet of its unity.

JOSEPH COOK

(1838–)

THE address on Ultimate America, delivered by Rev. Joseph Cook in New York city in 1884, is perhaps the most celebrated of those striking addresses which gave him his reputation, and at the same time caused him to be attacked as few other platform orators have been in the history of the country. Concerning the correctness of Mr. Cook's judgment on any given point, his opponents may find room to assert their own opinions as suit them best; but regardless of all such questions as they have raised against him, there is scarcely room for two opinions concerning his native ability as an orator. The facile expression which others have achieved at the expense of the greatest pains, he seems to have under some natural compulsion. To some men the effort of expressing themselves is always great and painful, while others, possessed by ideas which drive them into the arena of public debate, would have even greater trouble in refraining from expressing themselves. To this latter class Mr. Cook undoubtedly belongs. His address on Ultimate America, of which the exordium and peroration are here given complete with a verbatim extract from the body of the address, was delivered in New York city, July 4th, 1884. The verbatim report in the New York Independent of July 10th, 1884, has been authoritatively recommended and accordingly used for the purposes of this work.

ULTIMATE AMERICA

(From an Address Delivered in New York City, July 4th, 1884)

SIR CHARLES DILKE says that after he had seen cultured New England, he looked backward over his course of travel and did not seem to have seen America; and that after he had visited the torrid South and the spacious West and the brave Pacific Coast, he had no feeling that he had seen America; and that it was only after he had sailed on the Pacific out of sight of the continent and looked backward that he first, by a combination of all his impressions, obtained suddenly a conception of America and of the American character.

This English baronet should have been yet more cautious. He should have floated in imagination above the lakes and the gulf, and have looked down on the continent when it shall have developed the capacities of its soil as fully as Europe now has those of hers. He should have asked what our population can be, and, therefore, probably will be. He should have seen how numerous and corrupt great cities may become — a London on the Hudson, a London on the Lakes, a London at the mouth of the Mississippi, a London on the Pacific Coast, tossing up, it may be, and playing with commonwealths in the giant arms of capital, as a conjuror tosses up and plays with his flying balls. He should have inquired how wide may ultimately become the separation between rich and poor, when the larger part of New England is a factory and half the West a rented farm, and the Pacific, on a hundred new lines of commerce, is vexed with unaccustomed keels. He should have estimated how far commercial and political vices will spread, and how much school and Church will do for the healing of the average millions, whose intelligence and virtue will probably not be, as they are now, in proportion to their political power. He should have breathed the air of the marshes as well as of the highlands and of the peaks with everlasting snowy tents in the spiritual landscapes of a new world, in which the formation of mountains and of marshes has but just begun. He should, in short, have taken counsel with Orion, as that constellation shall stand in the zenith, shaking his locks of sidereal fire above the Amazonian palms, when the stars have wheeled and burned above our good and evil another ten hundred years; for then, and then only, would he have seen Ultimate America!

When Edmund Burke was a young man he wrote a letter to a friend, stating that he had a plan of taking up his residence in Massachusetts for life. His reasons for this purpose were, that, in his opinion, the Western Continent was sure to have a great future; that it was in the infancy of momentous changes; and that it was, therefore, undoubtedly that quarter of the world in which right efforts, put forth early, would be the most certain of usefulness on a gigantic scale. Would this statesman and political philosopher hold a different opinion if alive to-day and young?

The Roman eagles, when their wings were strongest, never flew so far as from Plymouth Rock to the Golden Gate. The

longest straight line that can be drawn inside the limits of the old Roman Empire will not reach from Boston to San Francisco.

Neither Cæsar's empire nor Alexander's had the vast and multiplex physical opportunity possessed by America. Gibraltar and London, Thebes and the frosty Caucasus were the four corners of imperial Rome, and Alexander ruled from the Adriatic to the Indus; but stretch your compasses on the globe from London to the Egyptian Thebes, or from Gibraltar to the Caucasian summits, or from the Macedonian Adriatic to the Indus at the foot of the Himalayas, and you have not opened them as far as you must separate them to span the green fields and steepled cities between the surf of the Bay of Fundy and the waterfalls of the Yosemite, or to touch, on the one side, the Florida Keys, and on the other, the continuous woods,

> "Where rolls the Oregon and hears no sound
> Save his own dashings."

On the British Empire the sun never sets. In the short summer nights it never sets on the American Republic. San Francisco is the middle city in our territory. It is literally true that in August the sunset has not ceased to flash on the spears of the fishermen in the Aleutian Islands before it begins to glint and blaze on the axes of the woodsmen in the forests of Maine.

Roll up the map of New England! Unroll that of your whole country! How large is Texas? You could bury in it the German Empire, and have room enough left for England and Wales. How large is California? You could bury in it England, Scotland, Ireland, Wales, and have room enough left for Switzerland and Belgium. How large is Colorado? You could bury in it Norway and have room enough left for Denmark. How large is Iowa? You could bury in it Portugal and Switzerland. How large is Lake Superior? You could sink Scotland in it. How large is New York? You could bury in it Belgium and Switzerland and Greece. How large is the estimated area of arable land in the American Union? Half as large as the United States. How fully is this occupied? In 1880 the area occupied by the corn crop made a region only about as large as Kansas; that occupied by the wheat crop a space only as large as Alabama; that occupied by the cotton crop, a region less than half the size of Ohio.

How many countries of Europe must be put together to make a region equal in extent to that of the good arable soil of the United States? Austria, Germany, and France? These and more. Spain, Sweden, and Norway added? These and more. England, Scotland, and Ireland in addition? These and more. Portugal, the Netherlands, Greece, Switzerland, Denmark, and Belgium? All these sixteen regions must be thrown together to cover, not our territory as a whole, but that half of it which is good arable soil. These countries, with their good and poor soil, maintain two hundred millions of people. The good land of the United States will certainly sustain as many people as their good and poor land taken together. . . .

In 1870, the pivotal point or centre about which all the population of the United States would balance was a little east of Baltimore. It has been moving westward; in the year of Lincoln's election, for a divine sign it had crossed the Ohio and obtained secure lodgment on free soil; in 1870 it was near Cincinnati; and it is now in Indiana. If its position were, as it should be, marked by a blazing star at the summit of a monumental shaft, carried from time to time toward the setting sun, that shaft would move westward more than fifty feet in every twenty-four hours.

It is a narrow outlook that pauses at a time when a continent that can sustain a larger population than the Old World shall have one hundred million people. But at that date the popular imagination stops. North and South America will probably have one hundred millions of people before the twentieth century, whose upstretching auroras, already appearing at the rim of the sky, shall rise above the horizon of history. At the place where the popular foresight pauses I would begin. Daniel Webster said, when we had but twenty millions of people: "I do not know whose imagination is fertile enough, I do not know whose conjectures, I may almost say, are wild enough, to tell what may be the progress of wealth and population in the United States."

England and Prussia, two of the most thickly populated parts of Europe, now increase at the rate of more than one per cent. annually. But let our immigration fall away, let wars storm over our territory from time to time, who shall say that our rate of increase, now three per cent. annually, will, in a hundred or two hundred years, not be at least equal to that of suffocated England and Prussia to-day? Call it less, or only one per cent. an-

nually after the year 2000. Even at that percentage of increase, we should double once each hundred years. Stand on this ocean shore. We see the curvature of a part of the surface of the sea; we know the law of the curve. Carry on the arc which we can measure; steady the imagination on the reason; project the majestic meridians, and bend them in and in, until they meet, eight thousand miles beneath your feet, and you feel the globe swim beneath you, afloat in the bosom of Omnipotence. This is the privilege and sublime duty of exact science.

Even at the far too cautious estimate that, after the year 2000, our population will increase only one per cent. annually, or less rapidly than that of England and Prussia to-day, and that in the year 2000 all America now having, or soon to have, 100,000,000 will possess only 200,000,000 of inhabitants, we should have in 2100, 400,000,000; in 2200, 800,000,000; in 2300, 1,600,000,000; in 2400, 3,200,000,000.

The capacity of the continent is supposed to be equal to the support of 3,600,000,000.

These figures, you say, represent a peculiarly American extravagance of hope. They represent German plodding. They are the outcome of Scotch sagacity. They are justified by haughty English condescension. It is certain that these calculations fall short of those which average German, Scottish, and English scholarship is now making as to the future of America. For thirty years the Encyclopædia Britannica has summarized the best investigation Europe has given to this topic by these amazing words: "If the natural resources of the American continent were fully developed, it would afford sustenance to 3,600,000,000 of inhabitants,—a number nearly five times as great as the entire mass of human beings now existing upon the globe! What is even more surprising, it is not improbable that this prodigious population will be in existence within three, or at most four centuries." I think these numbers are not wisely chosen, but they represent the highest statistical authority. As early as 1853 the Encyclopædia Britannica said: "The great grandsons of those now in existence may live to see the New World contain a greater mass of civilized men than the Old."

I am aware of but three methods of estimating the future of our population. We may take as a standard of judgment either the capacity of our soil, or the law of growth ascertained by our own experience, or the law of increase exhibited by other parts

of the world. Two of these methods I have already used. But take the last, and to what astonishing results it leads! This was the standard employed by De Tocqueville. Europe, under the bayonet and the cannon wheel and the hoofs of war, charging in squadron after squadron; Europe which sent half of the population of Germany to death in the Thirty Years' War; Europe, staggering under a thousand impediments, inherited from the Middle Ages, and unknown and likely to remain unknown in America; Europe, from Charlemagne to Napoleon, smitten, seared, peeled, and sliced, has yet attained an average population of eighty inhabitants to the square mile. Will America have a harder fate in the next than Europe has had in the last ten centuries? What shall hinder all America from ultimately having as large an average population as all Europe? But we have fifteen millions of square miles and Europe only three. Look forward, then, to a population in the whole New World equal to the average of that of Europe; that is, to twelve hundred millions.

With whatever telescope I sweep the horizon I, for one, stand in awe. I set no dates; I seek to establish approximately no definite numbers. I assert only that America can sustain a larger population than Europe, Asia, and Africa taken together; that, since it can, probably, it ultimately will; that we may expect as large an average population as Europe now possesses; that America is, therefore, yet in its infancy; that for these immense numbers of the human family we stand in trust, and that the age, therefore, has not yet ceased to be a crisis.

It would have been worth something at Thermopylæ to have foreseen Salamis; and at Austerlitz, Sedan; and at Runnymede, America. It would have been worth something to Paul, when he went out of the Ostian gate to die, to have foreseen Constantine and Augustine and Luther, and churches on which the sun never sets. It would have been worth something at the parting from Delft Haven, or among the secreted graves on Plymouth Hill, to have foreseen the savages shut up behind the Mississippi, and church bells mingling their murmurs with the Pacific seas. But, undoubtedly, God's plans for the future are as majestic as those for the past; and so it ought to be worth something now to foresee what can be in America, and, therefore, probably will be, and to go out far in the dark beneath the wing under which infinities and eternities brood; for we know that the wing is there even in the dark. . . .

The American system of equality is the source of astonishing energy, and also of audacious and unscrupulous greed. Our greatest virtues and our greatest vices are both fostered by liberty.

> "Through spaces stretched from sea to sea,
> Our Maker and our Victim she."

Vastness of commercial opportunities and the value of success even in short courses tempt individuals, and especially corporations in America to unscrupulousness.

The absorption of citizens with their own exacting private enterprises leaves law with too lax execution. The preoccupation of the good is the opportunity of the bad. Plato said that there will be no ideal state until kings are philosophers and philosophers, kings. There will be no ideal Republic until active citizens are active Christians, and active Christians are active citizens.

Plutarch and Cicero take notice of a law of Solon which declared every man infamous who in civil discussions continued neutral. The able American citizen, however, except on great occasions, is absorbed in his personal business, and leaves that of the public to the political machine.

In America everything stimulates the will, and by no means everything the conscience. Our national character exhibits at its best the Anglo-Saxon strength and the Anglo-Saxon infirmity. But the American climate is producing a Latinized American temperament, and with the Latin temperament always goes *finesse*.

The magnetic pole of the world is in Boothia Felix, in the forehead of the North American Continent. Boston and Berlin are on the same climate line; but Berlin and Mexico are on the same magnetic line. On the American side of the Atlantic the auroral arch of the north rises higher and flames more intensely in electrical storms than on the European. Between the Old and New World is no contrast of physical conditions subtler in its influence than that of the electric. Our dry and stimulating climate has produced a distinctively American face, in which, as yet, I, for one, find more acuteness than elevation, more venturesomeness than veracity. But join Latin *finesse* to Anglo-Saxon daring, and you have the audacities of modern Anglo-Saxon dishonesty.

The ostrich buries her thin, willful head in the sand, and thinks her whole body covered. In circles, only half educated in morals, but aspiring, great is the American eagle, greater is the American peacock, and greatest is the American ostrich!

Charles Dickens wrote to his friend in England that a man with seven heads would attract less attention in Boston than a man who could not read and write. I wish the day to come, in American politics and average commerce, when a man with seven heads will attract less attention than one with seven faces.

"There are two nations in England," says Gasparin, "conscientious England and unscrupulous England."

The humiliations of the American Church in the conflict with slavery should make forever clear the fact that, under the voluntary system, the vices of the powerful part of society easily spread into the Church, and that most easy of all is the infection of the commercial vices.

But while there are fears, there are hopes. In 1800 the proportion of Church members to our whole population was as one to fifteen; now it is as one to five.

Competition encourages pretense, and also the exposure of pretense. In this work the higher American press, the best representative of the American people, has earned a good name for itself at home, and almost given the nation a bad one abroad. Publicity, in America, is the chief penalty of meanness and crime, not easily visited by legal punishment. Democratic manners are not dignified; but they are tolerably transparent, whether good or bad. We have carried our civilization more rapidly toward the setting sun than any nation has ever done before. In her settlements the question is whether a man is efficient, rather than whether he has blameless antecedents. Thus, standards of judgment as to character have been made lax while we have conquered the wilderness. Undoubtedly, when America is older, and the land fuller, society will be more exacting, for it will cost more to let thieves run.

The mobility of the upper and lower ranks in American society is such that, in our great cities, the dangerous classes do not become fixed and hereditary as in Europe. The United States has no ignorant peasantry in its rural districts. Aspiration marks the middle and lower orders of the American population, and this to a degree unknown among the middle and lower

classes in Europe; and such aspiration favors religious and all other culture.

Church and State being separate from each other, the people do not hate the Church for political reasons as in Europe.

The Puritan religious ideals have established their national supremacy in a great civil war, abolishing the chief sin of the nation.

America has left behind it, in its passage over the ocean, the feudal system, hereditary aristocracy, primogeniture, entails, and the Established Church.

"There is nothing in the world," said Goldwin Smith, "so sound as American society, with its intimate union of all classes, its general diffusion of property, its common schools, and its free religion."

"Every American," said John Stuart Mill, "is in some sense a patriot and a person of cultivated intelligence. No such wide diffusion of the ideas, tastes, and sentiments of educated minds has ever been seen elsewhere or even conceived of as attainable."

"The people at large," Aristotle wrote, "however contemptible soever they may appear, when taken individually, are yet, when collectively considered, not perhaps unworthy of sovereignty. . . . The people at large are allowed to be the best judges of music and poetry."

Supply follows demand in history. As in recent ages, there has been a demand for the diffusion of liberty, property, and intelligence, there will be soon a demand for the diffusion of conscientiousness; and there will come slowly, and through much anguish of the ages, a supply! I foresee a great day for a scientific, biblical, and practical church. Wordsworth talked of an aristocracy. It will not come. Carlyle talks of a government of the best. It cannot be elected. Soon the Church and a true Church will be all the hope of the world. It will save the world by goodness and by truth; by practice and by doctrines also.

The Church needed by the American future must be scientific, biblical, and practical.

It must be scientific by a reasonable theology; by the absorption of all established science; by intellectual supremacy over rationalism; by mental primacy in literature and art; by indisputable authority in all philosophical research; by incisive triumph over popular crudity; by the courage to think syllogistically and on its knees and to the thirty-two points of the compass.

It must be biblical by the spirit of the founder of Christianity; by finding in the Holy Spirit a present Christ; by a sense that the nations are a theocracy and our Lord the world's Lord; by the doctrine of sin; by the doctrine of atonement; by the hope of immortality; by a far and fixed gaze on an eternal judgment.

It must be practical by carrying vital piety to every deathbed, every hearthstone, every cradle; by enlisting all believers in religious effort; by sleepless religious printing; by schools saturated by devout science; by making human legislation a close copy of natural law; by leadership in all just popular reforms; by righteousness as a river; by every-day integrity and holiness to the Lord, written on the bells of the horses, on bank vaults, and on the very dust of the streets, and by making of all secular pursuits spiritual avocations.

Cromwell and Hampden were once on shipboard in England for the purpose of coming to America for life. Their spirits seem to stand among those of our later martyrs.

Once in the blue midnight, in my study on Beacon Hill, in Boston, I fell into long thought as I looked out on the land and on the sea; and passing through the gate of dreams, I saw the angel having charge of America stand in the air, above the continent, and his wings shadowed either shore. Around him were gathered all who at Valley Forge and at Andersonville and the other sacred places suffered for the preservation of a virtuous Republic; and they conversed of what was and is and is to be. There was about the angel a multitude whom no man could number, of all nations and kindreds and tribes and tongues; and their voices were as the sound of many waters. And I heard thunderings and saw lightnings; but the face of the angel was above the brightness of the lightnings and the majesty of his words above that of the thunders.

Then came forth before the angel three spirits whose garments were as white as the light; and I saw not their faces, but I heard the ten thousand times ten thousand call them by names known on earth,—Washington and Lincoln and Garfield. And behind them stood Hampden and Tell and Miltiades and Leonidas and a multitude who had scars and crowns. And they said to the angel: "We will go on earth and teach the diffusion of liberty. We will heal America by equality." And the angel said: "Go. You will be efficient, but not sufficient."

Meanwhile, under emigrant wharves, and under the hovels of the perishing poor, and under crowded factories, and under the poisonous alleys of great cities, I heard, far in the subterranean depths, the black angels laugh.

Then came forward before the angel three other spirits, whose garments were white as the light; and I saw not their faces, but I heard the ten thousand times ten thousand call them by names known on earth,— Franklin and Hamilton and Irving. And behind them stood Pestalozzi and Shakespeare and Bacon and Aristotle and a multitude who had scrolls and crowns. And they said to the angel: "We will go on earth and teach the diffusion of intelligence. We will heal America by knowledge," and the angel said: "Go. You will be efficient, but not sufficient."

Meanwhile, under emigrant wharves and crowded factories, and under Washington, and under scheming conclaves of men acute and unscrupulous, and under many newspaper presses, and beneath Wall Street, and under the poisonous alleys of great cities, I heard the black angels laugh.

Then came forward before the angel three other spirits whom I heard the ten thousand times ten thousand call by names known on earth,— Adams and Jefferson and Webster. And behind them stood Chatham and Wilberforce and Howard and the Roman Gracchi and a multitude who had keys and crowns. And they said to the angel: "We will go on earth and teach diffusion of property. We will heal America by the self-respect of ownership." And the angel said, "Go. You will be efficient, but not sufficient."

Meanwhile under emigrant wharves and crowded factories, and beneath Wall Street, and under the poisonous alleys of suffocated great cities, I heard yet the black angels laugh.

Then came, lastly, forward before the angel three other spirits, with garments white as the light; and I saw not their faces, but I heard the ten thousand times ten thousand call them by names known on earth,— Edwards and Dwight and Whitefield. And behind them stood Wickliffe and Cranmer and Wesley and Luther and a multitude who had harps and crowns. And they said to the angel: "We will go on earth and teach the diffusion of conscientiousness. We will heal America by righteousness." Then the angel arose, and lifted up his far-gleaming hand to the heaven of heavens, and said: "Go. Not in the first three, but only in all four of these leaves from the tree of life, is to be

found the healing of the nations,— the diffusion of liberty, the diffusion of intelligence, the diffusion of property, the diffusion of conscientiousness. You will be more than very efficient, but not sufficient.»

I listened, and under Plymouth Rock and the universities there was no sound; but under emigrant wharves and crowded factories, and under Wall Street, and in poisonous alleys of great cities, I heard yet the black angels laugh; but, with the laughter there came up now from beneath a clanking of chains.

Then I looked, and the whole firmament above the angel was as if it were one azure eye; and into it the ten thousand times ten thousand gazed; and I saw that they stood in one palm of a Hand of Him into whose face they gazed, and that the soft axle of the world stood upon the finger of another palm, and that both palms were pierced. I saw the twelve spirits which had gone forth, and they joined hands with each other and with the twelve hours, and moved perpetually about the globe; and I heard a Voice, after which there was no laughter: «Ye are efficient, but I am sufficient.»

FRANCIS CORBIN

(1760–1821)

It is probable that the principles of government have never been so earnestly and thoroughly discussed elsewhere as they were in the Virginia, New York, and Massachusetts conventions called in 1788 to ratify the Federal Constitution. It is a matter of curious interest to see how the orators in these conventions were carried forward into the history of the future and rendered prophetic by their adherence to one or the other of contending ideas of Federal or State sovereignty. Each side saw clearly that as ultimate sovereignty was left to reside with the State or was vested in the Federal Government, the history of the future would inevitably be controlled in the one direction or the other in spite of all that could be done after the Constitution was adopted. Patrick Henry, in Virginia, opposed, with all his force, the "nationalization" of the Government under the Constitution, as he had opposed the continuance of the federation. He wanted a "federal union" instead of a loosely joined confederation, but he was more hostile to a "national" government than he was to a confederacy. He declared, with vehemence, that under the Constitution, as proposed to the States, the Government would necessarily cease to be federal, and become national, as a result of the inherent force of principles which had been, as he thought, designedly introduced into the Constitution by those he believed were really opponents of the popular supremacy appealed to in the clause, "we, the people." Among the replies to his denunciation of what he considered the anti-federal principles of the Constitution, that of Francis Corbin is one of the ablest. Corbin argued openly that the National Government should have such power of coercion against the States as it was not possible for it to exercise under the confederation. He was far from being terrified by Henry's assertions that under a national government militarism and the coercion of the States, when they undertook to resist national authority, would become inevitable; in fact he seems to have been convinced that what Henry and others considered formidable was necessary and likely to be distinctly advantageous. Perhaps the very lucidity with which he expresses himself accounts for the fact that after the convention he disappeared almost completely from history. He was born in 1760 of one of the powerful colonial families of Virginia. After

his return from England, where he was educated at Cambridge and in the Middle Temple, he was sent as a delegate to the constitutional convention, and though only twenty-eight years old he made one of the most notable speeches of the time. From 1787 to 1793 he represented Middlesex County, in the Virginia legislature. He died June 15, 1821.

ANSWERING PATRICK HENRY

(Delivered Saturday, June 7th, 1788, During the Debate on the Coercive Powers of the Federal Government, in the Virginia Convention Called to Ratify the Federal Constitution)

Mr. Chairman:—

PERMIT me to make a few observations on this great question. It is with great difficulty I prevail on myself to enter into the debate, when I consider the great abilities of those gentlemen who have already spoken on the subject. But as I am urged by my duty to my constituents, and as I conceive that the different manner of treating the subject may make different impressions, I shall offer my observations with diffident respect, but with firmness and independence. I will promise my acknowledgments to those honorable gentlemen who were in the Federal Convention, for the able and satisfactory manner in which they discharged their duty to their country. The introductory expression of "We, the people," has been thought improper by the honorable gentleman. I expected no such objection as this. Ought not the people, sir, to judge of that government whereby they are to be ruled? We are, sir, deliberating on a question of great consequence to the people of America, and to the world in general. We ought, therefore, to decide with extreme caution and circumspection; it is incumbent upon us to proceed without prejudice or prepossession. No member of the committee entertains a greater regard than myself for the gentleman on the other side, who has placed himself in the front of opposition. [Mr. Henry.] No man admires more than I do his declamatory talents; but I trust that neither declamation nor elegance of periods will mislead the judgment of any member here, and that nothing but the force of reasoning will operate conviction. He has asked, with an air of triumph, whether the Confederation was not adequate to the purposes of the Federal Government. Permit me to say, No. If, sir, perfection existed in

that system, why was the Federal Convention called? Why did every State except Rhode Island send deputies to that convention?

Was it not from a persuasion of its inefficacy? If this be not sufficient to convince him, let me call the recollection of the honorable gentleman to other circumstances. Let him go into the interior parts of the country and inquire into the situation of the farmers. He will be told that tobacco and other produce are miserably low, merchandise dear, and taxes high. Let him go through the United States. He will perceive appearances of ruin and decay everywhere. Let him visit the seacoast — go to our ports and inlets. In those ports, sir, where we had every reason to see the fleets of all nations, he will behold but a few trifling little boats; he will everywhere see commerce languish, the disconsolate merchant, with his arms folded, ruminating, in despair, on the wretched ruins of his fortune, and deploring the impossibility of retrieving it. The West Indies are blocked up against us. Not the British only, but other nations, exclude us from those islands: our fur trade has gone to Canada; British sentinels are within our own territories; our imposts are withheld. To these distresses we may add the derangement of our finances; yet the honorable gentleman tells us they are not sufficient to justify so radical a change. Does he know the consequences of deranged finances? What confusions, disorders, and even revolutions, have resulted from this cause, in many nations! Look at France at this time: that kingdom is almost convulsed; ministers of state, and first princes of the blood, banished; manufacturers and merchants become bankrupt, and the people discontented — all owing to the derangement of their finances.

The honorable gentleman must be well acquainted with the debts due by the United States, and how much is due to foreign nations. Has not the payment of these been shamefully withheld? How long, sir, shall we be able, by fair promises, to satisfy these creditors? How long can we amuse, by idle words, those who are amply possessed of the means of doing themselves justice? No part of the principal is paid to those nations, nor has even the interest been paid as honorably and punctually as it ought. Nay, we were obliged to borrow money last year to pay the interest. What! borrow money to discharge the interest of what was borrowed, and continually augment the amount of the public debt! Such a plan would destroy the richest country

on earth. What is to be done? Compel the delinquent States to pay requisitions to Congress? How are they to be compelled? By the instrumentality of such a scheme as was proposed to be introduced in the year 1784? Is this cruel mode of compulsion eligible? Is it consistent with the spirit of republicanism? This savage mode, which could be made use of under the Confederation, leads directly to civil war and destruction. How different is this from the genius of the proposed constitution! By this proposed plan, the public money is to be collected by mild and gentle means; by a peaceable and friendly application to the individuals of the community: whereas, by the other scheme, the public treasury must be supplied through the medium of the sword, by desolation and murder — by the blood of the citizens. Yet we are told that there is too much energy in this system. Coercion is necessary in every government. Justice, sir, cannot be done without it. It is more necessary in federal governments than any other, because of the natural imbecility of such governments.

The honorable gentleman is possessed of much historical knowledge. I appeal to that knowledge therefore. Will he not agree that there was a coercive power in the federal government of the Amphictyonics? The coercive power of the Amphictyonic Council was so great as to enable it to punish disobedience and refractory behavior in the most severe manner. Is there not an instance of its carrying fire and sword through the territories, and leveling to the ground the towns, of those who disobeyed it? [Here Mr. Corbin mentions particular instances.] Is there no coercion in the Germanic body? This body, though composed of three hundred different component sovereignties, principalities, and cities, and divided into nine circles, is controlled by one superintending power, the emperor. Is there no coercive power in the confederate government of the Swiss? In the alliance between them and France, there is a provision whereby the latter is to interpose and settle differences that may arise among them; and this interposition has been more than once used. Is there none in Holland? What is the stadtholder? This power is necessary in all governments; a superintending coercive power is absolutely indispensable. This does not exist under the present Articles of Confederation. To vest it with such a power, on its present construction, without any alteration, would be extremely dangerous, and might lead to civil war. Gentlemen

must, before this, have been convinced of the necessity of an alteration. Our State vessel has sprung a leak; we must embark in a new bottom, or sink into perdition.

The honorable gentleman has objected to the Constitution on the old worn-out idea that a republican government is best calculated for a small territory. If a republic, sir, cannot be accommodated to an extensive country, let me ask, how small must a country be to suit the genius of republicanism? In what particular extent of country can a republican government exist? If contracted into as small a compass as you please, it must labor under many disadvantages. Too small an extent will render a republic weak, vulnerable, and contemptible. Liberty in such a petty state must be on a precarious footing; its existence must depend on the philanthropy and good nature of its neighbors. Too large an extent, it is said, will produce confusion and tyranny. What has been so often deprecated will be removed by this plan. The extent of the United States cannot render the government oppressive. The powers of the General Government are only of a general nature, and their object is to protect, defend, and strengthen the United States; but the internal administration of government is left to the State legislatures, who exclusively retain such powers as will give the States the advantages of small republics, without the danger commonly attendant on the weakness of such governments.

There are controversies even about the name of this government. It is denominated by some a federal, by others a consolidated government. The definition given of it by my honorable friend [Mr. Madison] is, in my opinion, accurate. Let me, however, call it by another name — a representative federal republic, as contradistinguished from a confederacy. The former is more wisely constructed than the latter; it places the remedy in the hands which feel the disorder: the other places the remedy in those hands which cause the disorder. The evils that are most complained of in such governments (and with justice) are faction, dissension, and consequent subjection of the minority to the caprice and arbitrary decisions of the majority, who, instead of consulting the interest of the whole community collectively, attend sometimes to partial and local advantages. To avoid this evil is perhaps the great desideratum of republican wisdom; it may be termed the philosopher's stone. Yet, sir, this evil will be avoided by this Constitution: faction will be removed by the

system now under consideration, because all the causes which are generally productive of faction are removed. This evil does not take its flight entirely; for were jealousies and divisions entirely at an end, it might produce such lethargy as would ultimately terminate in the destruction of liberty, to the preservation of which watchfulness is absolutely necessary. It is transferred from the State legislatures to Congress, where it will be more easily controlled. Faction will decrease in proportion to the diminution of counselors. It is much easier to control it in small than in large bodies. Our State legislature consists of upwards of one hundred and sixty, which is a greater number than Congress will consist of at first. Will not more concord and unanimity exist in one than in thirteen such bodies? Faction will more probably decrease, or be entirely removed, if the interest of a nation be entirely concentrated, than if entirely diversified. If thirteen men agree, there will be no faction. Yet if opposite, and of heterogeneous dispositions, it is impossible that a majority of such clashing minds can ever concur to oppress the minority. It is impossible that this Government, which will make us one people, will have a tendency to assimilate our situations, and is admirably calculated to produce harmony and unanimity, can ever admit of an oppressive combination by one part of the Union against the other.

A confederate government is, of all others, best calculated for an extensive country. Its component individual governments are, of all others, best calculated for an extensive country. Its component individual governments administer and afford all the local conveniences that the most compact governments can do; and the strength and energy of the confederacy may be equal to those of any government. A government of this kind may extend to all the Western World; nay, I may say, *ad infinitum*. But it is needless to dwell any longer on this subject; for the objection that an extensive territory is repugnant to a republican government applies against this and every State in the Union, except Delaware and Rhode Island. Were the objection well founded, a republican government could exist in none of the States, except those two. Such an argument goes to the dissolution of the Union, and its absurdity is demonstrated by our own experience.

But an objection is urged against this government because of its power of laying direct taxes. Let us ask the honorable gen-

tleman who opposes it on this ground, if he reflect whether this power be indispensable or not. Sir, if it be not vested with the power of commanding all the resources of the State, when necessary, it will be trifling. Wars are as much (and more) carried on by the length of the purse as by that of the sword. They cannot be carried on without money. Unless this power be given to Congress, foreign nations may crush you. The concession of this power is necessary to do Virginia justice, by compelling the delinquent States to pay as well as she. While she paid her quotas, and her citizens were much distressed to pay their taxes, other States most shamefully neglected or refused to pay their proportions. I trust gentlemen need not be alarmed on the subject of taxation, nor intimidated by the idea of double collectors, who, they tell us, will oppress and ruin the people. From our attention to our situation, we shall see that this mode of levying money, though indispensably necessary on great emergencies, will be but seldom recurred to. Let us attend to the finances of this country. . . .

The honorable gentleman declared in the most solemn manner, that, if he could see one single trait in that government to secure liberty, he would not object to it. I meet him on this ground. Liberty is secured, sir, by the limitation of its powers, which are clearly and unequivocally defined, and which are to be exercised by our own representatives freely chosen. What power is given that will endanger liberty? I consider all the traits of this system as having a tendency to the security of our liberty. I consider all its powers necessary, and only given to avoid greater evils; and if this conclusion of mine be well founded, let me ask if public liberty is not secured by bars and adamantine bolts — secured by the strongest guards and checks which human ingenuity can invent. Will this dread power of taxation render liberty insecure? Sir, without this power, other powers will answer no purpose. Government cannot exist without the means of procuring money. My honorable friend told us he considered this clause as the vitals of the Constitution. I will change the phrase, and say that I consider this part as the lungs of the Constitution. If it be sick, the whole system is consumptive, and must soon decay; and this power can never be dangerous if the principles of equal and free representation be fully attended to. While the right of suffrage is secured, we have little to fear. This Government, sir, fully secures us this noble privilege, on

the purest and simplest principles of equality. That number which, in any part of the country, has a right to send a representative, has the same right in another part. What does the Constitution say? That thirty thousand shall have one representative, no matter where. If this be not equal representation, what, in the name of God, is equal representation? But, says the honorable gentleman, the Constitution may be satisfied by one from each State. I conceive there is no fear of this. There is not a power to diminish the number. Does it not say that representatives shall be apportioned according to the number of the people, and that direct taxes shall be regulated by the same rules? Virginia, in the first instance, will have ten times as many as Delaware, and afterwards in proportion to their numbers. What is the criterion of representation? They have their wish: for the qualifications which the laws of the States require to entitle a man to vote for a State representative are the qualifications required by this plan to vote for a representative to Congress; and in this State, and most of the others, the possession of a freehold is necessary to entitle a man to the privilege of a vote. Do they wish persons to be represented? Here also they are indulged, for the number of representatives is determined by the number of people. This idea is so well attended to, that even three-fifths of those who are not free are included among those of whom thirty thousand shall have a right to elect one representative; so that, in either point of view, their wish is gratified. Is not liberty secured on this foundation? If it be not secured by one or the other mode, or by both, I am totally without reason. Liberty seems intrenched on this ground.

But the gentleman objects that the number is not sufficient. My opinion, with deference to that gentleman, and others who may be of different opinion from me, is that it is fully sufficient. Being delegated solely for general purposes, a few intelligent men will suffice; at least one from every thirty thousand, aided by the Senate, seems sufficient. Are combinations or factions so often formed in small as in numerous bodies? Are laws better made in large than in small assemblies? Is not the influence of popular declaimers less in small than in great bodies? Would not a more numerous representation be very expensive? Is economy of no consideration? We ought, sir, to attend to the situation of the people; and our measures should be as economical as possible, without extending, however, our parsimony

to a dangerous length. Objections should be founded on just and real grounds, and ought not to be urged out of a mere obstinacy. Besides, it is by no means certain that a very numerous body is more independent, or upright, than a small one. Why should the number of our representatives be greater, Mr. Chairman? The county of Middlesex, in England, which includes the cities of London and Westminster, contains upwards of nine hundred and ninety thousand souls, and yet sends to Parliament no more than eight Members. Among all the clamors of the people there, it never entered the brain of any of them that these eight were not enough. They complain that the boroughs of Old Sarum, Newton, and Gatton, and other such places, should send each two Members to Parliament, although without houses or inhabitants, while the richest city sends but four. They also complain of the influence of the landed interest in some cases; that the county of Cornwall sends forty Members to Parliament, although it pays but eighteen parts, out of five hundred and thirteen, to the subsidy and land tax, when the county of Middlesex, which is calculated to pay two hundred and fifty parts out of five hundred and thirteen, sends but eight Members. In that country, it has been uniformly found that those Members, who are chosen by numerous respectable electors, make the greatest opposition to oppression and corruption, and signalize themselves for the preservation of liberty. The collective body of the Commons there have generally exerted themselves in the defense of freedom, and have been successful in their exertions, notwithstanding the inequality of their election. Our representatives are chosen in the fairest manner; their election is founded in absolute equality. Is the American spirit so degenerated, notwithstanding these advantages, that the love of liberty is more predominant and warm in the breast of a Briton than in that of an American? When liberty is on a more solid foundation here than in Britain, will Americans be less ready to maintain and defend it than Britons? No, sir; the spirit of liberty and independence of the people of this country, at present, is such that they could not be enslaved under any government that could be described. What danger is there, then, to be apprehended from a government which is theoretically perfect, and the possible blemishes of which can only be demonstrated by actual experience?

The honorable gentleman then urges an objection respecting the militia, who, he tells us, will be made the instruments of

tyranny to deprive us of our liberty. Your militia, says he, will fight against you. Who are the militia? Are we not militia? Shall we fight against ourselves? No, sir; the idea is absurd. We are also terrified by the dread of a standing army. It cannot be denied that we ought to have the means of defense, and be able to repel an attack.

If some of the community are exclusively inured to its defense, and the rest attend to agriculture, the consequence will be that the arts of war and defense and of cultivating the soil will be understood. Agriculture will flourish, and military discipline will be perfect. If, on the contrary, our defense be solely intrusted to militia, ignorance of arms and negligence of farming will ensue; the former plan is, in every respect, more to the interest of the State. By it we shall have good farmers and soldiers; by the latter we shall have neither. If the inhabitants be called out on sudden emergencies of war, their crops, the means of their subsistence, may be destroyed by it. If we are called in the time of sowing seed, or of harvest, the means of subsistence might be lost; and the loss of one year's crop might have been prevented by a trivial expense, if appropriated to the purpose of supporting a part of the community, exclusively occupied in the defense of the whole. I conceive that this idea, if it be a new one, is yet founded on solid and very substantial reasons. But, sir, we are told of the expediency and propriety of previous amendments. What end would it answer to attempt it? Will the States which have adopted the Constitution rescind their adopting resolutions? Had we adopted it, would we recede from it to please the caprice of any other State? Pride, sir, revolts at the idea. Admitting this State proposes amendments previous to her adoption, must there not be another Federal Convention? Must there not be also a convention in each State? Suppose some of our proposed conditions be rejected, will not our exclusion from the Union be the consequence? Or would other conventions again be called, and be eternally revolving and devising expedients, without coming to a final decision? The loss of the union, sir, must be the result of a pertinacious demand of precedent conditions. My idea is, that we should go hand in hand with Massachusetts; adopt it first, and then propose amendments of a general nature, for local ones cannot be expected. Consider the situation of Massachusetts, commanding the North, and the importance and respectability of Virginia to

the South. These, sir, are the two most populous, wealthy, and powerful States in the Union. Is it not very probable that their influence would have very great weight in carrying any amendments? Would any gentleman turn a deaf ear to their solicitations? By union alone can we exist; by no other means can we be happy. Union must be the object of every gentleman here. I never yet have heard any gentleman so wild and frantic in his opposition as to avow an attachment to partial confederacies. By previous adoption, the union will be preserved; by insisting on alterations previous to our adoption, the union may be lost, and our political happiness destroyed by internal dissensions. I trust, therefore, that this convention, after deliberate discussion, will not hesitate to determine on a previous ratification of a system which, even in its present form, seems competent to the perpetual preservation of our security and happiness.

THOMAS CORWIN

(1794–1865)

THE speech on the Mexican War, made in the United States Senate, February 11th, 1847, by Thomas Corwin, then a Senator from Ohio, is one of the most remarkable ever delivered in America. Seemingly futile, and apparently leaving Corwin almost in a minority of one among the public men of his day, it gave him an assured immortality and an influence that will endure in America as long as American institutions continue to be inspired by the love of justice which animated him in that supreme effort of his life. His prophecy of civil war as a result of the acquisition of territory by conquest from Mexico was literally fulfilled. In three years after the speech was delivered, the Civil War had virtually begun when lines were drawn on the admission of California, and, the influence of such conservatives as Clay and Webster being broken, the extremists of both sections gained such an overwhelming influence, that the maintenance of peace became impossible. It is sometimes supposed that the speech retired Corwin from politics, but this was not the case. Although he was left to make his stand alone, he was really representative in making it and he had the silent sympathy perhaps of a majority, and certainly, as the result shows, of a controlling balance of power, not only in Ohio, but in the country at large. The Whig party had been disorganized by the blunders, and the vacillation of its leaders on the questions of the tariff, of nullification, of the annexation of Texas, and of Slavery as a permanent institution, but the latent sentiment of repugnance to the conquest and dismemberment of Mexico, which Corwin represented, gave the party what has been called "a postmortem victory," the last it ever achieved in national politics. The Democratic party in administration had fought the war with almost no expense to the national treasury, had achieved a series of most remarkable victories, had marched triumphantly through the heart of the enemy's country, and had occupied their capital, and, without a single reverse to dim the military glory for which it had striven, had added to the country an immense domain, secured at a merely nominal price. Nevertheless, the immediate result was the defeat of the Democratic presidential ticket by the Whigs in the campaign immediately ensuing, and, hard on this reverse, the successful organization of the Republican party, whose radical sentiment was

represented by James Russell Lowell, in his characteristic line, "You have got to get up airly if you hope to get 'round God." Corwin, after making his speech of 1847, and probably as a result of it, became Secretary of the Treasury in the Whig Cabinet, holding that place from 1850 to 1853, and thereafter working to assist the Republican party, which, as a result of the forces he represented in his speech of 1847, carried the election of 1860 and held power continuously for a quarter of a century. Corwin himself was elected to Congress from Ohio in 1859 and served to 1861, when President Lincoln appointed him United States Minister to Mexico, an office he held until 1864. He was born in Bourbon County, Kentucky, July 29th, 1794, and died at Washington, December 18th, 1865. In reading his impassioned protests against dismembering Mexico, it is often difficult to imagine what he lacked of the highest rank as an orator, but the speech, when read as a whole, suggests that he failed of leadership, not because of the courage and the compelling sense of justice which inspired him, but rather because of lacking the sustained force necessary for great achievement. He was content to go on record in a splendid outburst of impassioned protest against what his whole nature condemned as a wrong; and, being so content, he left to others the work of inflicting that retribution which he had seen so clearly was inevitable as a result of the operation of laws which govern human as they do universal nature. Doubtless, he lived more happily and died more contentedly than if it had been otherwise, but it is hard to see how any one who studies American history can impute his failure to maintain leadership to the speech which gave him so remarkable an opportunity for it.

W. V. B.

AGAINST DISMEMBERING MEXICO

(From a Speech in the United States Senate, February 11th, 1847)

You may wrest provinces from Mexico by war; you may hold them by the right of the strongest; you may rob her; but a treaty of peace to that effect with the people of Mexico, legitimately and freely made, you never will have! I thank God that it is so, as well for the sake of the Mexican people as ourselves; for, unlike the Senator from Alabama [Mr. Bagby], I do not value the life of a citizen of the United States above the lives of a hundred thousand Mexican women and children — a rather cold sort of philanthrophy in my judgment. For the sake of Mexico, then, as well as our own country, I rejoice that it is

an impossibility that you can obtain by treaty from her those territories, under the existing state of things.

I am somewhat at a loss to know on what plan gentlemen having charge of this war intend to proceed. We hear much said of the terror of your arms. The affrighted Mexican, it is said, when you have drenched his country in blood, will sue for peace, and thus you will indeed "conquer peace." This is the heroic and savage tone in which we have heretofore been lectured by our friends on the other side of the Chamber, especially by the Senator from Michigan [Mr. Cass]. But suddenly the Chairman of the Committee on Foreign Relations comes to us with the smooth phrase of diplomacy, made potent by the gentle suasion of gold. The Chairman of the Committee on Military Affairs calls for thirty millions of money and ten thousand regular troops; these, we are assured, shall "conquer peace," if the obstinate Celt refuses to treat till we shall whip him in another field of blood. What a delightful scene in the nineteenth century of the Christian era! What an interesting sight to see these two representatives of war and peace moving in grand procession through the Halls of the Montezumas! The Senator from Michigan [Mr. Cass], red with the blood of recent slaughter, the gory spear of Achilles in his hand, and the hoarse clarion of war at his mouth, blowing a blast "so loud and deep" that the sleeping echoes of the lofty Cordilleras start from their caverns and return to the sound, till every ear from Panama to Santa Fé is deafened with the roar. By his side, with "modest mien and downcast look," comes the Senator from Arkansas [Mr. Sevier], covered from head to foot with a gorgeous robe, glittering and embossed with three millions of shining gold, putting to shame "the wealth of Ormus or of Ind." The olive of Minerva graces his brow; in his right hand is the delicate rebeck, from which are breathed in Lydian measure notes "that tell of naught but love and peace." I fear very much that you will scarcely be able to explain to the simple mind of the half-civilized Mexican the puzzling dualism of this scene, at once gorgeous and grotesque. Sir, I scarcely understand the meaning of all this myself. If we are to vindicate our rights by battles — in bloody fields of war — let us do it. If that is not the plan, why, then, let us call back our armies into our own territory, and propose a treaty with Mexico, based upon the proposition that money is better for her and land for us. Thus we can treat Mexico like an equal, and

do honor to ourselves. But what is it you ask? You have taken from Mexico one-fourth of her territory, and you now propose to run a line comprehending about another third, and for what? I ask, Mr. President, for what? What has Mexico got from you, for parting with two-thirds of her domain? She has given you ample redress for every injury of which you have complained. She has submitted to the award of your commissioners, and, up to the time of the rupture with Texas, faithfully paid it. And for all that she has lost (not through or by you, but which loss has been your gain), what requital do we, her strong, rich, robust neighbor, make? Do we send our missionaries there "to point the way to heaven"? Or do we send the schoolmasters to pour daylight into her dark plans, to aid her infant strength to conquer, and reap the fruit of the independence herself alone had won? No, no; none of this do we. But we send regiments, storm towns, and our colonels prate of liberty in the midst of the solitudes their ravages have made. They proclaim the empty forms of social compact to a people bleeding and maimed with wounds received in defending their hearthstones against the invasion of these very men who shoot them down and then exhort them to be free. Your chaplains of the navy throw away the New Testament and seize a bill of rights. The Rev. Don Walter Colton, I see, abandons the Sermon on the Mount and betakes himself to Blackstone and Kent, and is elected a justice of the peace! He takes military possession of some town in California, and instead of teaching the plan of the atonement and the way of salvation to the poor ignorant Celt, he presents a Colt's pistol to his ear and calls on him to take "trial by jury and habeas corpus," or nine bullets in his head. Ah, Mr. President, are you not the light of the earth, if not its salt? You, you are indeed opening the eyes of the blind in Mexico with a most emphatic and exoteric power. Sir, if all this were not a mournful truth it would be the *ne plus ultra* of the ridiculous. But, sir, let us see what, as the Chairman of the Committee on Foreign Relations explains it, we are to get by the combined processes of conquest and treaty.

What is the territory, Mr. President, which you propose to wrest from Mexico? It is consecrated to the heart of the Mexican by many a well-fought battle with his old Castilian master. His Bunker Hills, and Saratogas, and Yorktowns are there! The Mexican can say, "There I bled for liberty! and shall I sur-

render that consecrated home of my affections to the Anglo-Saxon invaders? What do they want with it? They have Texas already. They have possessed themselves of the territory between the Nueces and the Rio Grande. What else do they want? To what shall I point my children as memorials of that independence which I bequeath to them, when those battlefields shall have passed from my possession?"

Sir, had one come and demanded Bunker Hill of the people of Massachusetts, had England's lion ever showed himself there, is there a man over thirteen and under ninety who would not have been ready to meet him? Is there a river on this continent that would not have run red with blood? Is there a field but would have been piled high with unburied bones of slaughtered Americans before these consecrated battlefields of liberty should have been wrested from us? But this same American goes into a sister Republic, and says to poor, weak Mexico, "Give up your territory, you are unworthy to possess it; I have got one-half already, and all I ask of you is to give up the other!" England might as well, in the circumstances I have described, have come and demanded of us, "Give up the Atlantic slope — give up this trifling territory from the Alleghany Mountains to the sea; it is only from Maine to St. Mary's — only about one-third of your Republic, and the least interesting portion of it." What would be the response? They would say we must give this up to John Bull. Why? "He wants room." The Senator from Michigan says he must have this. Why, my worthy Christian brother; on what principle of justice? "I want room!"

Sir, look at this pretense of want of room. With twenty millions of people, you have about one thousand millions of acres of land, inviting settlement by every conceivable argument, bringing them down to a quarter of a dollar an acre, and allowing every man to squat where he pleases. But the Senator from Michigan says we will be two hundred millions in a few years, and we want room. If I were a Mexican I would tell you, "Have you not room enough in your own country to bury your dead? If you come into mine, we will greet you with bloody hands, and welcome you to hospitable graves."

Why, says the Chairman of this Committee on Foreign Relations, it is the most reasonable thing in the world! We ought to have the Bay of San Francisco! Why? Because it is the best

harbor on the Pacific! It has been my fortune, Mr. President, to have practiced a good deal in criminal courts in the course of my life, but I never yet heard a thief, arraigned for stealing a horse, plead that it was the best horse he could find in the country! We want California. What for? Why, says the Senator from Michigan, we will have it; and the Senator from South Carolina, with a very mistaken view, I think, of policy, says you can't keep our people from going there. I don't desire to prevent them. Let them go and seek their happiness in whatever country or clime it pleases them. All I ask of them is, not to require this government to protect them with that banner consecrated to war waged for principles — eternal, enduring truth. Sir, it is not meet that our old flag should throw its protecting folds over expeditions for lucre or for land. But you still say you want room for your people. This has been the plea of every robber chief from Nimrod to the present hour. I dare say when Tamerlane descended from his throne, built of seventy thousand human skulls, and marched his ferocious battalions to further slaughter,— I dare say he said, "I want room." Bajazet was another gentleman of kindred tastes and wants with us Anglo-Saxons — he "wanted room." Alexander, too, the mighty "Macedonian madman," when he wandered with his Greeks to the plains of India, and fought a bloody battle on the very ground where recently England and the Sikhs engaged in strife for "room," was, no doubt, in quest of some California there. Many a Monterey had he to storm to get "room." Sir, he made as much of that sort of history as you ever will. Mr. President, do you remember the last chapter in that history? It is soon read. Ah, I wish we could but understand its moral. Ammon's son (so was Alexander named), after all his victories, died drunk in Babylon! The vast empire he conquered to "get room," became the prey of the generals he had trained: it was dismembered, torn to pieces, and so ended. Sir, there is a very significant appendix; it is this: The descendants of the Greeks, Alexander's Greeks, are now governed by a descendant of Attila! Mr. President, while we are fighting for room, let us ponder deeply this appendix. I was somewhat amazed the other day to hear the Senator from Michigan declare that Europe had quite forgotten us, till these battles waked them up. I suppose the Senator feels grateful to the President for "waking up" Europe. Does the President, who is, I hope, read in civic as

well as military lore, remember the saying of one who had pondered upon history long; long, too, upon man, his nature, and true destiny. Montesquieu did not think highly of this way of "waking up." "Happy," says he, "is that nation whose annals are tiresome."

The Senator from Michigan has a different view. He thinks that a nation is not distinguished until it is distinguished in war. He fears that the slumbering faculties of Europe have not been able to ascertain that there are twenty millions of Anglo-Saxons here, making railroads and canals, and speeding all the arts of peace to the utmost accomplishment of the most refined civilization! They do not know it! And what is the wonderful expedient which this democratic method of making history would adopt in order to make us known? Storming cities, desolating peaceful, happy homes; shooting men — ay, sir, such is war — and shooting women, too.

Sir, I have read in some account of your battle of Monterey, of a lovely Mexican girl who, with the benevolence of an angel in her bosom and the robust courage of a hero in her heart, was busily engaged during the bloody conflict — amid the crash of falling houses, the groans of the dying, and the wild shriek of battle — in carrying water to slake the burning thirst of the wounded of either host. While bending over a wounded American soldier, a cannon ball struck her and blew her to atoms! Sir, I do not charge my brave, generous-hearted countrymen who fought that fight with this. No, no. We who send them — we who know that scenes like this, which might send tears of sorrow "down Pluto's iron cheek," are the invariable, inevitable attendants on war — we are accountable for this; and this — this is the way we are to be made known to Europe. This — this is to be the undying renown of free, republican America; "she has stormed a city, killed many of its inhabitants of both sexes — she has room!" So it will read. Sir, if this were our only history, then may God in his mercy grant that its volume may speedily come to a close.

Why is it, sir, that we of the United States, a people of yesterday, compared with the older nations of the world, should be waging war for territory, for "room"? Look at your country extending from the Alleghany Mountains to the Pacific Ocean, capable itself of sustaining in comfort a larger population than will be in the whole Union for one hundred years to come.

Over this vast expanse of territory your population is now so sparse, that I believe we provided at the last session a regiment of mounted men to guard the mail from the frontier of Missouri to the mouth of the Columbia; and yet you persist in the ridiculous assertion, "I want room." One would imagine from the frequent reiteration of the complaint, that you had a bursting, teeming population, whose energy was paralyzed, whose enterprise was crushed, for want of space. Why should we be so weak or wicked as to offer this idle apology for ravaging a neighboring Republic! It will impose on no one, at home or abroad.

Do we not know, Mr. President, that it is a law, never to be repealed, that falsehood shall be short lived? Was it not ordained of old, that truth only shall abide forever? Whatever we may say to-day, or whatever we may write in our books, the stern tribunal of history will review it all, detect falsehood, and bring us to judgment before that posterity which shall bless or curse us as we may act now, wisely or otherwise. We may hide in the grave, which awaits us all!—in vain! We may hope to be concealed there, like the foolish bird that hides its head in the sand, in the vain belief that its body is not seen; yet, even there, this preposterous excuse of want of "room" shall be laid bare, and the quick-coming future will decide that it was a hypocritical pretense, under which we sought to conceal the avarice which prompted us to covet and to seize, by force, that which was not ours.

Mr. President, this uneasy desire to augment our territory has depraved the moral sense, and blighted the otherwise keen sagacity of our people. What has been the fate of all nations, who have acted upon the idea that they must advance thus? Our young orators cherish this notion with a fervid, but fatally-mistaken zeal. They call it by the mysterious name of "destiny." "Our destiny," they say, "is onward;" and hence they argue, with ready sophistry, the propriety of seizing upon any territory and any people that may lie in the way of our "fated" advance. Recently, these "progressives" have grown classical; some assiduous student of antiquities has helped them to a patron saint. They have wandered back into the desolated Pantheon, and there amongst the polytheistic relics of that "pale mother of dead empires," they have found a god whom these Romans, centuries gone by, baptized "Terminus."

Sir, I have heard much and read somewhat of this gentleman, Terminus. Alexander, of whom I have spoken, was a devotee of this divinity. We have seen the end of him and his empire. It was said to be an attribute of this god, that he must always advance, and never recede. So both republican and imperial Rome believed. It was, as they said, their destiny. And for a while it did seem to be even so. Roman Terminus did advance. Under the eagles of Rome, he was carried from his home on the Tiber to the farthest East, on the one hand, and to the far West, amongst the then barbarous tribes of western Europe, on the other. But at length the time came when retributive justice had become "a destiny." The despised Gaul cries out to the contemned Goth, and Attila, with his Huns, answers back the battle-shout to both. The "blue-eyed nations of the North," in succession, or united, pour forth their countless hosts of warriors upon Rome and Rome's always advancing god, Terminus. And now the battle-axe of the barbarian strikes down the conquering eagle of Rome. Terminus at last recedes, slowly at first, but finally he is driven to Rome, and from Rome to Byzantium. Whoever would know the further fate of this Roman deity, so recently taken under the patronage of American Democracy, may find ample gratification of his curiosity in the luminous pages of Gibbon's 'Decline and Fall.' Such will find that Rome thought, as you now think, that it was her destiny to conquer provinces and nations, and no doubt she sometimes said, as you say, "I will conquer a peace." And where now is she, the Mistress of the World? The spider weaves her web in her palaces, the owl sings his watch-song in her towers. Teutonic power now lords it over the servile remnant, the miserable memento of old and once omnipotent Rome. Sad, very sad, are the lessons which time has written for us. Through and in them all I see nothing but the inflexible execution of that old law, which ordains, as eternal, that cardinal rule, "Thou shalt not covet thy neighbor's goods, nor anything which is his." Since I have lately heard so much about the dismemberment of Mexico, I have looked back, to see how, in the course of events which some call "Providence," it has fared with other nations who engaged in this work of dismemberment. I see that in the latter half of the eighteenth century, three powerful nations — Russia, Austria, and Prussia — united in the dismemberment of Poland. They said, too, as you say, "It is our destiny." They

"wanted room." Doubtless each of these thought, with his share of Poland, his power was too strong ever to fear invasion, or even insult. One had his California, another his New Mexico, and the third his Vera Cruz. Did they remain untouched and incapable of harm? Alas, no! Far, very far, from it! Retributive justice must fulfill its "destiny," too. A very few years pass, and we hear of a new man, a Corsican lieutenant, the self-named "armed soldier of Democracy" — Napoleon. He ravages Austria, covers her land with blood, drives the Northern Cæsar from his capital, and sleeps in his palace. Austria may now remember how her power trampled upon Poland. Did she not pay dear, very dear, for her California?

But has Prussia no atonement to make? You see this same Napoleon, the blind instrument of Providence, at work there. The thunders of his cannon at Jena proclaim the work of retribution for Poland's wrongs; and the successors of the great Frederick, the drill-sergeant of Europe, are seen flying across the sandy plain that surrounds their capital, right glad if they may escape captivity or death. But how fares it with the autocrat of Russia? Is he secure in his share of the spoils of Poland? No. Suddenly we see, sir, six hundred thousand armed men marching to Moscow. Does his Vera Cruz protect him now? Far from it. Blood, slaughter, desolation spread abroad over the land, and finally the conflagration of the old commercial metropolis of Russia closes the retribution; she must pay for her share in the dismemberment of her weak and impotent neighbor. Mr. President, a mind more prone to look for the judgments of heaven in the doings of men, than mine, cannot fail in this to see the Providence of God. When Moscow burned, it seemed as if the earth was lighted up that the nations might behold the scene. As that mighty sea of fire gathered and heaved, and rolled upwards, higher and yet higher, till its flames aspired the stars and lit the whole heavens, it did seem as though the God of nations was writing, in characters of flame on the front of his throne, the doom that shall fall upon the strong nation, which tramples in scorn upon the weak. And what fortune awaits him, the appointed executor of this work, when it was all done? He, too, conceived the notion that his "destiny" pointed onward to universal dominion. France was too small — Europe, he thought, should bow down before him. But as soon as this idea took possession of his soul, he,

too, became powerless. His terminus must recede, too. Right there, while he witnessed the humiliation, and doubtless meditated the subjugation of Russia, he who holds the winds in his fist, gathered the snows of the North and blew them upon his six hundred thousand men. They fled — they froze — they perished! and now the mighty Napoleon, who had resolved on universal dominion — he, too, is summoned to answer for the violation of that ancient law, "Thou shalt not covet anything which is thy neighbor's." How is the mighty fallen! He, beneath whose proud footstep Europe trembled, — he is now an exile at Elba, and now finally a prisoner on the rock of St. Helena. And there, on a barren island, in an unfrequented sea in the crater of an extinguished volcano, — there is the deathbed of the mighty conqueror! All his annexations have come to that! His last hour is now come, and he, "the Man of Destiny"; he who had rocked the world as with the throes of an earthquake, is now powerless and still. Even as the beggar dies, so he died. On the wings of a tempest that raged with unwonted fury, up to the throne of the only power that controlled him while he lived, went the fiery soul of that wonderful warrior, another witness to the existence of that eternal decree that they who do not rule in righteousness shall perish from the earth. He has found "room" at last. And France, — she, too, has found "room." Her "eagles" now no longer scream upon the banks of the Danube, the Po, and the Borysthenes. They have returned home to their old eyrie between the Alps, the Rhine, and the Pyrenees; so shall it be with your banners of conquest. You may carry them to the loftiest peaks of the Cordilleras, they may wave with insolent triumph in the Halls of the Montezumas, the armed men of Mexico may quail before them, but the weakest hand in Mexico, uplifted in prayer to the God of justice, may call down against you a Power, in the presence of which the iron hearts of your warriors shall be turned into ashes.

Mr. President, if the history of our race has established any truth, it is but a confirmation of what is written, "The way of the transgressor is hard." Inordinate ambition, wantoning in power, and spurning the humble maxims of justice ever has ended and ever shall end in ruin. Strength cannot always trample upon weakness; the humble shall be exalted; the bowed down will at length be lifted up. It is by faith in the law of strict justice, and the practice of its precepts, that nations alone can be

saved. All the annals of the human race, sacred and profane, are written over with this great truth in characters of living light. It is my fear, my fixed belief, that in this invasion, this war with Mexico, we have forgotten this vital truth. Why is it that we have been drawn into this whirlpool of war? How clear and strong was the light that shone upon the path of duty a year ago! The last disturbing question with England was settled. Our power extended its peaceful sway from the Atlantic to the Pacific: from the Alleghanies we looked out upon Europe, and from the tops of the Stony Mountains we could descry the shores of Asia; a rich commerce with all the nations of Europe poured wealth and abundance into our lap on the Atlantic side, while an unoccupied commerce of three hundred millions of Asiatics waited on the Pacific for our enterprise to come and possess it. One hundred millions of dollars will be wasted in this fruitless war. Had this money of the people been expended in making a railroad from your northern lakes to the Pacific, as one of your citizens has begged of you in vain, you would have made a highway for the world between Asia and Europe. Your Capital then would be within thirty or forty days travel of any and every point on the map of the civilized world. Through this great artery of trade you would have carried through the heart of your own country the teas of China and the spices of India to the markets of England and France. Why, why, Mr. President, did we abandon the enterprises of peace and betake ourselves to the barbarous achievements of war? Why did we "forsake this fair and fertile field to batten on that moor"?

But, Mr. President, if further acquisition of territory is to be the result either of conquest or treaty, then I scarcely know which should be preferred, external war with Mexico, or the hazards of internal commotion at home, which last I fear may come if another province is to be added to our territory. There is one topic connected with this subject which I tremble when I approach, and yet I cannot forbear to notice it. It meets you in every step you take; it threatens you which way soever you go in the prosecution of this war. I allude to the question of slavery. Opposition to its further extension, it must be obvious to every one, is a deeply-rooted determination with men of all parties in what we call the non-slaveholding States. New York, Pennsylvania, and Ohio, three of the most powerful, have already sent their legislative instructions here. So it will be, I doubt

not, in all the rest. It is vain now to speculate about the reasons for this. Gentlemen of the South may call it prejudice, passion, hypocrisy, fanaticism. I shall not dispute with them now on that point. The great fact that it is so, and not otherwise, is what it concerns us to know. You and I cannot alter or change this opinion, if we would. These people only say, we will not, cannot consent that you shall carry slavery where it does not already exist. They do not seek to disturb you in that institution, as it exists in your States. Enjoy it if you will, and as you will. This is their language; this their determination. How is it in the South? Can it be expected that they should expend in common, their blood and their treasure, in the acquisition of immense territory, and then willingly forego the right to carry thither their slaves, and inhabit the conquered country if they please to do so? Sir, I know the feelings and opinions of the South too well to calculate on this. Nay, I believe they would even contend to any extremity for the mere right, had they no wish to exert it. I believe (and I confess I tremble when the conviction presses upon me) that there is equal obstinacy on both sides of this fearful question. If, then, we persist in war, which, if it terminates in anything short of a mere wanton waste of blood as well as money, must end (as this bill proposes) in the acquisition of territory, to which at once this controversy must attach — this bill would seem to be nothing less than a bill to produce internal commotion. Should we prosecute this war another moment, or expend one dollar in the purchase or conquest of a single acre of Mexican land, the North and the South are brought into collision on a point where neither will yield. Who can foresee or foretell the result! Who so bold or reckless as to look such a conflict in the face unmoved! I do not envy the heart of him who can realize the possibility of such a conflict without emotions too painful to be endured. Why, then, shall we, the representatives of the sovereign States of this Union — the chosen guardians of this confederated Republic, why should we precipitate this fearful struggle, by continuing a war, the result of which must be to force us at once upon a civil conflict? Sir, rightly considered, this is treason, treason to the Union, treason to the dearest interests, the loftiest aspirations, the most cherished hopes of our constituents. It is a crime to risk the possibility of such a contest. It is a crime of such infernal hue, that every other in the catalogue of

iniquity, when compared with it, whitens into virtue. Oh, Mr. President, it does seem to me, if hell itself could yawn and vomit up the fiends that inhabit its penal abodes, commissioned to disturb the harmony of this world, and dash the fairest prospect of happiness that ever allured the hopes of men, the first step in the consummation of this diabolical purpose would be, to light up the fires of internal war, and plunge the sister States of this Union into the bottomless gulf of civil strife. We stand this day on the crumbling brink of that gulf — we see its bloody eddies wheeling and boiling before us — shall we not pause before it be too late? How plain again is here the path, I may add the only way, of duty, of prudence, of true patriotism. Let us abandon all idea of acquiring further territory and by consequence cease at once to prosecute this war. Let us call home our armies, and bring them at once within our own acknowledged limits. Show Mexico that you are sincere when you say you desire nothing by conquest. She has learned that she cannot encounter you in war, and if she had not, she is too weak to disturb you here. Tender her peace, and, my life on it, she will then accept it. But whether she shall or not, you will have peace without her consent. It is your invasion that has made war; your retreat will restore peace. Let us then close forever the approaches of internal feud, and so return to the ancient concord and the old ways of national prosperity and permanent glory. Let us here, in this temple consecrated to the Union, perform a solemn lustration; let us wash Mexican blood from our hands, and on these altars, and in the presence of that image of the Father of his Country that looks down upon us, swear to preserve honorable peace with all the world, and eternal brotherhood with each other.

VICTOR COUSIN

(1792–1867)

ICTOR COUSIN, celebrated both as a statesman and a philosopher, ranks with Guizot among the most eminent of the great platform orators of the nineteenth century. It is as a lecturer rather than as a political speaker that he is celebrated, and among his addresses delivered from the lecture platform are to be found most admirable examples of that class of oratory which has characterized the intellectual movement of the nineteenth century, as in another way it did that of the golden age of intellect at Athens and at Rome. The orations of Cicero and of Demosthenes were prepared in advance of delivery with the same care shown in the preparation of such addresses as those of Cousin and Guizot in France, Schlegel in Germany, Ruskin in England, Emerson in America, and the other great orators of the lecture platform who have forced issues for progress in every line during the nineteenth century, in advance of the great orators of the Forum and the Senate. Cousin's style is most attractive. While the tendencies of his mind are metaphysical and his reasoning abstract, he has what among philosophical thinkers is the rare faculty of clothing abstract thought in beauty of expression. His argument on some points of psychology frequently blossoms out into eloquent metaphors, which are never forced and never florid. His statement is always sustained and he is always master of his subject, of himself, and of the language in which he undertakes to give himself and his subject expression. He was born at Paris, November 28th, 1792; and at a time when the "fierce democracy" of France was attempting to stamp out every vestige of the Middle Ages, he won his first honors by a Latin oration, for which he was crowned in the Mediæval Hall of the Sorbonne, "in the presence of the general concourse of his school competitors." In 1815 he began at the Sorbonne those lectures for which he is so justly celebrated, but in 1820 he was proscribed by the Reactionist party under Louis XVIII., as was also Guizot. Leaving France for Germany, he was arrested and imprisoned at Berlin as a result of the same influence which had driven him from France. Released, and in 1828 restored to his position as teacher, he became a member of the Council of Public Instruction in 1830, peer of France in 1832, and Minister

of Public Instruction in 1840, under Thiers. It is said that during the three years of his lectures after his return in 1828, "the Hall of the Sorbonne was crowded with auditors as the hall of no philosophical teacher in Paris had been since the days of Abélard." He died at Cannes, January 13th, 1867.

ELOQUENCE AND THE FINE ARTS

(From the Ninth Lecture on the True, the Beautiful, and the Good)

It will, perhaps, seem strange that we rank among the arts neither eloquence, nor history, nor philosophy.

The arts are called the fine arts, because their sole object is to produce the disinterested emotion of beauty, without regard to the utility either of the spectator or the artist. They are also called the liberal arts, because they are the arts of free men and not of slaves, which affranchise the soul, charm and ennoble existence; hence the sense and origin of those expressions of antiquity, *artes liberales*, *artes ingenuæ*. There are arts without nobility, whose end is practical and material utility; they are called trades, such as that of the stove-maker and the mason. True art may be joined to them, may even shine in them, but only in the accessories and the details.

Eloquence, history, philosophy, are certainly high employments of intelligence. They have their dignity, their eminence, which nothing surpasses; but rigorously speaking, they are not arts.

Eloquence does not propose to itself to produce in the soul of the auditors the disinterested sentiment of beauty. It may also produce this effect, but without having sought it. Its direct end, which it can subordinate to no other, is to convince, to persuade. Eloquence has a client which, before all, it must save or make triumph. It matters little whether this client be a man, a people, or an idea. Fortunate is the orator if he elicit the expression: That is beautiful! for it is a noble homage rendered to his talent; unfortunate is he if he does not elicit this, for he has missed his end. The two great types of political and religious eloquence, Demosthenes in antiquity, Bossuet among the moderns, think only of the interest of the cause confided to their genius, the sacred cause of country and that of religion, whilst at bottom Phidias and Raphael work to make beautiful

things. Let us hasten to say, what the names of Demosthenes and Bossuet command us to say, that true eloquence, very different from that of rhetoric, disdains certain means of success. It asks no more than to please, but without any sacrifice unworthy of it; every foreign ornament degrades it. Its proper character is simplicity, earnestness. I do not mean affected earnestness, a designed and artful gravity, the worst of all deceptions; I mean true earnestness, that springs from sincere and profound conviction. This is what Socrates understood by true eloquence.

As much must be said of history and philosophy. The philosopher speaks and writes. Can he, then, like the orator, find accents which make truth enter the soul; colors and forms that make it shine forth evident and manifest to the eyes of intelligence? It would be betraying his cause to neglect the means that can serve it; but the profoundest art is here only a means, the aim of philosophy is elsewhere; whence it follows that philosophy is not an art. Without doubt, Plato is a great artist; he is the peer of Sophocles and Phidias, as Pascal is sometimes the rival of Demosthenes and Bossuet; but both would have blushed if they had discovered at the bottom of their souls another design, another aim than the service of truth and virtue.

History does not relate for the sake of relating; it does not paint for the sake of painting; it relates and paints the past that it may be the living lesson of the future. It proposes to instruct new generations by the experience of those who have gone before them, by exhibiting to them a faithful picture of great and important events, with their causes and their effects, with general designs and particular passions, with the faults, virtues, and crimes that are found mingled together in human things. It teaches the excellence of prudence, courage, and great thoughts profoundly meditated, constantly pursued, and executed with moderation and force. It shows the vanity of immoderate pretensions, the power of wisdom and virtue, the impotence of folly and crime. Thucydides, Polybius, and Tacitus undertake anything rather than procuring new emotions for an idle curiosity or a worn-out imagination. They doubtless desire to interest and attract, but more to instruct; they are the avowed masters of statesmen and the preceptors of mankind.

The sole object of art is the beautiful. Art abandons itself as soon as it shuns this. It is often constrained to make concessions to circumstances, to external conditions that are imposed

upon it; but it must always retain a just liberty. Architecture and the art of gardening are the least free of arts; they are subjected to unavoidable obstacles; it belongs to the genius of the artist to govern these obstacles, and even to draw from them happy effects, as the poet turns the slavery of metre and rhyme into a source of unexpected beauties. Extreme liberty may carry art to a caprice which degrades it, as chains too heavy crush it. It is the death of architecture to subject it to convenience, to comfort. Is the architect obliged to subordinate general effect and the proportions of the edifice to such or such a particular end that is prescribed to him? He takes refuge in details, in pediments, in friezes, in all the parts that have not utility for a special object, and in them he becomes a true artist. Sculpture and painting, especially music and poetry, are freer than architecture and the art of gardening. One can also shackle them, but they disengage themselves more easily.

Similar by their common end, all the arts differ by the particular effects which they produce, and by the processes which they employ. They gain nothing by exchanging their means and confounding the limits that separate them. I bow before the authority of antiquity; but, perhaps, through habit and a remnant of prejudice, I have some difficulty in representing to myself with pleasure statues composed of several metals, especially painted statues. Without pretending that sculpture has not to a certain point its color, that of perfectly pure matter, that especially which the hand of time impresses upon it, in spite of all the seductions of a contemporaneous artist of great talent, I have little taste, I confess, for that artifice that is forced to give to marble the *morbidezza* of painting. Sculpture is an austere muse; it has its graces, but they are those of no other art. Flesh-color must remain a stranger to it. Nothing more would remain to communicate to it but the movement of poetry and the indefiniteness of music! And what will music gain by aiming at the picturesque, when its proper domain is the pathetic? Give to the most learned symphonist a storm to render. Nothing is easier to imitate than the whistling of the winds and the noise of thunder. But by what combinations of harmony will he exhibit to the eyes the glare of the lightning rending all of a sudden the veil of the night, and, what is most fearful in the tempest, the movement of the waves that now ascend like a mountain, now descend and seem to precipitate themselves into

bottomless abysses? If the auditor is not informed of the subject, he will never suspect it, and I defy him to distinguish a tempest from a battle. In spite of science and genius, sounds cannot paint forms. Music, when well guided, will guard itself from contending against the impossible; it will not undertake to express the tumult and strife of the waves and other similar phenomena; it will do more: with sounds it will fill the soul with the sentiments that succeed each other in us during the different scenes of the tempest. Haydn will thus become the rival, even the vanquisher of the painter, because it has been given to music to move and agitate the soul more profoundly than painting.

Since the 'Laocoon' of Lessing, it is no longer permitted to repeat, without great reserve, the famous axiom,— *Ut pictura poesis;* or, at least, it is very certain that painting cannot do everything that poetry can do. Everybody admires the picture of Rumor, drawn by Virgil; but let a painter try to realize this symbolic figure; let him represent to us a huge monster with a hundred eyes, a hundred mouths, and a hundred ears, whose feet touch the earth, whose head is lost in the clouds, and such a figure will become very ridiculous.

So the arts have a common end, and entirely different means. Hence the general rules common to all, and particular rules for each. I have neither time nor space to enter into details on this point. I limit myself to repeating that the great law which governs all others is expression. Every work of art that does not express an idea signifies nothing; in addressing itself to such or such a sense, it must penetrate to the mind, to the soul, and bear thither a thought, a sentiment capable of touching or elevating it. From this fundamental rule all the others are derived; for example, that which is continually and justly recommended, —composition. To this is particularly applied the precept of unity and variety. But, in saying this, we have said nothing so long as we have not determined the nature of the unity of which we would speak. True unity is unity of expression, and variety is made only to spread over the entire work the idea or the single sentiment that it should express. It is useless to remark, that between composition thus defined, and what is often called composition, as the symmetry and arrangement of parts according to artificial rules, there is an abyss. True composition is nothing else than the most powerful means of expression.

Expression not only furnishes the general rules of art, it also gives the principle that allows of their classification.

In fact, every classification supposes a principle that serves as a common measure.

Such a principle has been sought in pleasure, and the first of arts has seemed that which gives the most vivid joys. But we have proved that the object of art is not pleasure: — the more or less of pleasure that an art procures cannot, then, be the true measure of its value.

This measure is nothing else than expression. Expression being the supreme end, the art that most nearly approaches it is the first of all.

All true arts are expressive, but they are diversely so. Take music; it is without contradiction the most penetrating, the profoundest, the most intimate art. There is physically and morally between a sound and the soul a marvelous relation. It seems as though the soul were an echo in which the sound takes a new power. Extraordinary things are recounted of the ancient music. And it must not be believed that the greatness of effect supposes here very complicated means. No, the less noise music makes, the more it touches. Give some notes to Pergolese, give him especially some pure and sweet voices, and he returns a celestial charm, bears you away into infinite spaces, plunges you into ineffable reveries. The peculiar power of music is to open to the imagination a limitless career, to lend itself with astonishing facility to all the moods of each one, to arouse or calm, with the sounds of the simplest melody, our accustomed sentiments, our favorite affections. In this respect music is an art without a rival; however, it is not the first of arts. . . .

Between sculpture and music, those two opposite extremes, is painting, nearly as precise as the one, nearly as touching as the other. Like sculpture, it marks the visible forms of objects, but adds to them life; like music, it expresses the profoundest sentiments of the soul, and expresses them all. Tell me what sentiment does not come within the province of the painter? He has entire nature at his disposal, the physical world, and the moral world, a churchyard, a landscape, a sunset, the ocean, the great scenes of civil and religious life, all the beings of creation — above all, the figure of man, and its expression, that living mirror of what passes in the soul. More pathetic than sculpture, clearer

than music, painting is elevated, in my opinion, above both, because it expresses beauty more under all its forms, and the human soul in all the richness and variety of its sentiments.

But the art *par excellence*, that which surpasses all others, because it is incomparably the most expressive, is poetry.

Speech is the instrument of poetry; poetry fashions it to its use, and idealizes it, in order to make it express ideal beauty. Poetry gives to it the charm and power of measure; it makes of it something intermediary between the ordinary voice and music — something at once material and immaterial, finite, clear, and precise — like contours and forms the most definite, living and animated; like color pathetic, and infinite like sound. A word in itself, especially a word chosen and transfigured by poetry, is the most energetic and universal symbol. Armed with this talisman, poetry reflects all the images of the sensible world, like sculpture and painting; it reflects sentiment like painting and music, with all its varieties, which music does not attain, and in their rapid succession that painting cannot follow, as precise and immobile as sculpture; and it not only expresses all that; it expresses what is inaccessible to every other art, — I mean thought, entirely distinct from the senses and even from sentiment, — thought that has no forms, — thought that has no color, that lets no sound escape, that does not manifest itself in any way, — thought in its highest flight, in its most refined abstraction.

Think of it. What a world of images, of sentiments, of thoughts at once distinct and confused, are excited within us by this one word — country! and by this other word, brief and immense, — God! What is more clear and altogether more profound and vast!

Tell the architect, the sculptor, the painter, even the musician, to call forth also by a single stroke all the powers of nature and the soul! They cannot, and by that they acknowledge the superiority of speech and poetry.

They proclaim it themselves, for they take poetry for their own measure; they esteem their own works, and demand that they should be esteemed, in proportion as they approach the poetic ideal. And the human race does as artists do: a beautiful picture, a noble melody, a living and expressive statue, gives rise to the exclamation, How poetical! This is not an arbitrary comparison; it is a natural judgment which makes poetry the

type of the perfection of all the arts,—the art *par excellence*, which comprises all others, to which they aspire, which none can reach.

When the other arts would imitate the works of poetry, they usually err, losing their own genius, without robbing poetry of its genius. But poetry constructs, according to its own taste, palaces and temples, like architecture; it makes them simple or magnificent; all orders, as well as all systems, obey it; the different ages of art are the same to it; it reproduces, if it please, the Classic or the Gothic, the beautiful or the sublime, the measured or the infinite. Lessing has been able, with the exactest justice, to compare Homer to the most perfect sculptor; with such precision are the forms which that marvelous chisel gives to all beings determined! And what a painter, too, is Homer! And, of a different kind, Dante! Music alone has something more penetrating than poetry, but it is vague, limited, and fugitive. Besides its clearness, its variety, its durability, poetry has also the most pathetic accents. Call to mind the words that Priam utters at the feet of Achilles while asking him for the dead body of his son, more than one verse of Virgil, entire scenes of the 'Cid' and the 'Polyeucte,' the prayer of Esther kneeling before the Lord, or the choruses of 'Esther' and 'Athalie.' In the celebrated song of Pergolese, 'Stabat Mater Dolorosa,' we may ask which moves most, the music or the words. The 'Dies Iræ, Dies Illa,' recited only, produces the most terrible effect. In those fearful words, every blow tells, so to speak; each word contains a distinct sentiment, an idea at once profound and determinate. The intellect advances at each step, and the heart rushes on in its turn. Human speech, idealized by poetry, has the depth and brilliancy of musical notes; it is luminous as well as pathetic; it speaks to the mind as well as to the heart; it is in that inimitable, unique, and embraces all extremes and all contraries in a harmony that redoubles their reciprocal effect—in which, by turns, appear and are developed, all images, all sentiments, all ideas, all the human faculties, all the inmost recesses of the soul, all the forms of things, all real and all intelligible worlds!

LIBERTY AN INALIENABLE RIGHT

(From the Fourteenth Lecture on the True, the Beautiful, and the Good)

Passions abandoning themselves to their caprices are anarchy. Passions concentrated upon a dominant passion are tyranny. Liberty consists in the struggle of will against this tyranny and this anarchy. But this combat must have an aim, and this aim is the duty of obeying reason, which is our true sovereign, and justice, which reason reveals to us and prescribes for us. The duty of obeying reason is the law of will, and will is never more itself than when it submits to its law. We do not possess ourselves as long as to the domination of desire, of passion, of interest, reason does not oppose the counterpoise of justice. Reason and justice free us from the yoke of passions, without imposing upon us another yoke. For, once more, to obey them is not to abdicate liberty, but to save it, to apply it to its legitimate use.

It is in liberty and in the agreement of liberty with reason and justice that man belongs to himself, to speak properly. He is a person only because he is a free being enlightened by reason.

What distinguishes a person from a simple thing is especially the difference between liberty and its opposite. A thing is that which is not free, consequently that which does not belong to itself, that which has no self, which has only a numerical individuality, a perfect effigy of true individuality, which is that of person.

A thing not belonging to itself belongs to the first person that takes possession of it and puts his mark on it.

A thing is not responsible for the movements which it has not willed, of which it is even ignorant. Person alone is responsible, for it is intelligent and free; and it is responsible for the use of its intelligence and freedom.

A thing has no dignity; dignity is only attached to person.

A thing has no value by itself; it has only that which person confers on it. It is purely an instrument whose whole value consists in the use that the person using it derives from it.

Obligation implies liberty; where liberty is not duty is wanting, and with duty right is wanting also.

It is because there is in me a being worthy of respect, that I have the duty of respecting it, and the right to make it respected by you. My duty is the exact measure of my right. The one is in direct ratio with the other. If I had no sacred duty to respect what makes my person, that is to say, my intelligence and my liberty, I should not have the right to defend it against your injuries. But as my person is inviolable and sacred in itself, it follows that, considered in relation to me, it imposes on me a duty, and, considered in relation to you, it confers on me a right.

I am not myself permitted to degrade the person that I am by abandoning myself to passion, to vice, and to crime, and I am not permitted to let it be degraded by you.

The person is inviolable; and it alone is inviolable.

It is inviolable not only in the intimate sanctuary of consciousness, but in all its legitimate manifestations, in its acts, in the product of its acts, even in the instruments that it makes its own by using them.

Therein is the foundation of the sanctity of property. The first property is the person. All other properties are derived from that. Think of it well. It is not property in itself that has rights, it is the proprietor, it is the person that stamps upon it, with its own character, its right and its title.

The person cannot cease to belong to itself, without degrading itself,—it is to itself inalienable. The person has no right over itself; it cannot treat itself as a thing, cannot sell itself, cannot destroy itself, cannot in any way abolish its free will and its liberty, which are its constituent elements.

Why has the child already some rights? Because it will be a free being. Why have the old man, returned to infancy, and the insane man still some rights? Because they have been free beings. We even respect liberty in its first glimmerings or its last vestiges. Why, on the other hand, have the insane man and the imbecile old man no longer all their rights? Because they have lost liberty. Why do we enchain the furious madman? Because he has lost knowledge and liberty. Why is slavery an abominable institution? Because it is an outrage upon what constitutes humanity. This is the reason why, in fine, certain extreme devotions are sometimes sublime faults, and no one is permitted to offer them, much less to demand them. There is no legitimate devotion against the very essence of right, against liberty, against justice, against the dignity of the human person.

THE FOUNDATIONS OF LAW

There is an education of liberty as well as our other faculties. It is sometimes in subduing the body, sometimes in governing our intelligence, especially in resisting our passions, that we learn to be free. We encounter opposition at each step, — the only question is not to shun it. In this constant struggle liberty is formed and augmented, until it becomes a habit.

Finally, there is a culture of sensibility itself. Fortunate are those who have received from nature the sacred fire of enthusiasm! They ought religiously to preserve it. But there is no soul that does not conceal some fortunate vein of it. It is necessary to watch it and pursue, to avoid what restrains it, to seek what favors it, and, by an assiduous culture, draw from it, little by little, some treasures. If we cannot give ourselves sensibility, we can at least develop what we have. We can do this by giving ourselves up to it, by seizing all the occasions of giving ourselves up to it, by calling to its aid intelligence itself; for the more we know of the beautiful and the good, the more we love it. Sentiment thereby only borrows from intelligence what it returns with usury. Intelligence in its turn finds, in the heart, a rampart against sophism. Noble sentiments, nourished and developed, preserve from those sad systems that please certain spirits so much only because their hearts are so small.

Man would still have duties, should he cease to be in relation with other men. As long as he preserves any intelligence and any liberty, the idea of the good dwells in him, and with it duty. Were we cast upon a desert island, duty would follow us thither. It would be beyond belief strange that it should be in the power of certain external circumstances to affranchise an intelligent and free being from all obligation towards his liberty and his intelligence. In the deepest solitude he is always and consciously under the empire of a law attached to the person itself, which, by obligating him to keep continual watch over himself, makes at once his torment and his grandeur.

If the moral person is sacred to me, it is not because it is in me — it is because it is the moral person. It is in itself respectable; it will be so, then, wherever we meet it.

It is in you as in me, and for the same reason. In relation to me it imposes on me a duty; in you it becomes the founda-

tion of a right, and thereby imposes on me a new duty in relation to you.

I owe to you truth as I owe it to myself; for truth is the law of your reason as of mine. Without doubt there ought to be measure in the communication of truth,—all are not capable of it at the same moment and in the same degree. It is necessary to portion it out to them in order that they may be able to receive it; but, in fine, the truth is the proper good of the intelligence; and it is for me a strict duty to respect the development of your mind, not to arrest, and even to favor its progress towards truth.

I ought also to respect your liberty. I have not even always the right to hinder you from committing a fault. Liberty is so sacred that, even when it goes astray, it still deserves, up to a certain point, to be managed. We are often wrong in wishing to prevent too much the evil that God himself permits. Souls may be corrupted by an attempt to purify them.

I ought to respect you in your affections, which make part of yourself; and of all the affections there are none more holy than those of the family. There is in us a need of expanding ourselves beyond ourselves, yet without dispelling ourselves, of establishing ourselves in some souls by a regular and consecrated affection,—to this need the family responds. The love of men is something of the general good. The family is still almost the individual, and not merely the individual,—it only requires us to love as much as ourselves what is almost ourselves. It attaches one to the other, by the sweetest and strongest of all ties—father, mother, child; it gives to this sure succor in the love of its parents—to these hope, joy, new life, in their child. To violate the conjugal or paternal right is to violate the person in what is perhaps its most sacred possession.

I ought to respect your body, inasmuch as it belongs to you, inasmuch as it is the necessary instrument of your person. I have neither the right to kill you, nor to wound you, unless I am attacked and threatened; then my violated liberty is armed with a new right, the right of defense and even constraint.

I owe respect to your goods, for they are the product of your labor; I owe respect to your labor, which is your liberty itself in exercise; and, if your goods come from an inheritance, I still owe respect to the free will that has transmitted them to you.

Respect for the rights of others is called justice; every violation of a right is an injustice.

Every injustice is an encroachment upon our person,—to retrench the least of our rights is to diminish our moral person, is, at least, so far as that retrenchment goes, to abase us to the condition of a thing.

The greatest of all injustices, because it comprises all others, is slavery. Slavery is the subjecting of all the faculties of one man to the profit of another man. The slave develops his intelligence a little only in the interest of another,—it is not for the purpose of enlightening him, but to render him more useful, that some exercise of mind is allowed him. The slave has not the liberty of his movements; he is attached to the soil, is sold with it, or he is chained to the person of a master. The slave should have no affection, he has no family, no wife, no children,—he has a female and little ones. His activity does not belong to him, for the product of his labor is another's. But, that nothing may be wanting to slavery, it is necessary to go further,—in the slave must be destroyed the inborn sentiment of liberty; in him must be extinguished all idea of right; for, as long as this idea subsists, slavery is uncertain, and to an odious power may respond the terrible right of insurrection, that last resort of the oppressed against the abuse of force.

Justice, respect for the person in every thing that constitutes the person, is the first duty of man towards his fellow-man. Is this duty the only one?

When we have respected the person of others, when we have neither restrained their liberty, nor smothered their intelligence, nor maltreated their body, nor outraged their family, nor injured their goods, are we able to say that we have fulfilled the whole law in regard to them? One who is unfortunate is suffering before us. Is our conscience satisfied, if we are able to bear witness to ourselves that we have not contributed to his sufferings? No; something tells us that it is still good to give him bread, succor, consolation.

There is here an important distinction to be made. If you have remained hard and insensible at the sight of another's misery, conscience cries out against you; and yet this man who is suffering, who, perhaps, is ready to die, has not the least right over the least part of your fortune, were it immense; and, if he used violence for the purpose of wresting from you a single

penny, he would commit a crime. We here meet a new order of duties that do not correspond to rights. Man may resort to force in order to make his rights respected; he cannot impose on another any sacrifice whatever. Justice respects or restores; charity gives, and gives freely.

Charity takes from us something in order to give it to our fellow-men. If it go so far as to inspire us to renounce our dearest interests, it is called devotedness.

It certainly cannot be said that to be charitable is not obligatory. But this obligation must not be regarded as precise, as inflexible as the obligation to be just. Charity is a sacrifice; and who can find the rule of sacrifice, the formula of self-renunciation? For justice, the formula is clear,—to respect the rights of another. But charity knows neither rule nor limit. It transcends all obligation. Its beauty is precisely in its liberty.

TRUE POLITICS

True politics does not depend on more or less well-directed historical researches into the profound night of a past forever vanished and of which no vestige subsists; it rests on the knowledge of human nature.

Wherever society is, wherever it was, it has for its foundations: 1st, The need that we have of our fellow-creatures, and the social instincts that man bears in himself; 2d, The permanent and indestructible idea and sentiment of justice and right.

Man, feeble and powerless when he is alone, profoundly feels the need that he has of the succor of his fellow-creatures in order to develop his faculties, to embellish his life, and even to preserve it. Without reflection, without convention, he claims the hand, the experience, the love of those whom he sees made like himself. The instinct of society is in the first cry of the child that calls for the mother's help without knowing that it has a mother, and in the eagerness of the mother to respond to the cries of the child. It is in the feelings for others that nature has put in us—pity, sympathy, benevolence. It is in the attraction of the sexes, in their union, in the love of parents for their children, and in the ties of every kind that these first ties engender. If Providence has attached so much sadness to solitude, so much charm to society, it is because society is indispen-

sable for the preservation of man and for his happiness, for his intellect and moral development.

But if need and instinct begin society, it is justice that completes it.

In the presence of another man, without any external law, without any compact, it is sufficient that I know that he is a man, that is to say that he is intelligent and free, in order to know that he has rights, and to know that I ought to respect his rights as he ought to respect mine. As he is no freer than I am, nor I than he, we recognize towards each other equal rights and equal duties. If he abuse his force to violate the equality of our rights, I know that I have the right to defend myself and make myself respected; and if a third party be found between us, without any personal interest in the quarrel, he knows that it is his right and his duty to use force in order to protect the feeble, and even to make the oppressor expiate his injustice by a chastisement. Therein is already seen entire society with its essential principles,— justice, liberty, equality, government, and punishment.

Justice is the guaranty of liberty. True liberty does not consist in doing what we will, but in doing what we have a right to do. Liberty of passion and caprice would have for its consequence the enslavement of the weakest to the strongest, and the enslavement of the strongest themselves to their unbridled desires. Man is truly free in the interior of his consciousness only in resisting passion and obeying justice; therein also is the type of true social liberty. Nothing is falser than the opinion that society diminishes our mutual liberty; far from that, it secures it, develops it; what it suppresses is not liberty, it is its opposite, passion. Society no more injures liberty than justice, for society is nothing else than the very idea of justice realized.

In securing liberty, justice secures equality also. If men are unequal in physical force and intelligence, they are equal in so far as they are free beings, and consequently equally worthy of respect. All men, when they bear the sacred character of the moral person, are to be respected, by the same title, and in the same degree.

The limit of liberty is in liberty itself; the limit of right is in duty. Liberty is to be respected, provided it injure not the liberty of another. I ought to let you do what you please, but on the condition that nothing which you do will injure my

liberty. For then, in virtue of my right of liberty, I should regard myself as obligated to repress the aberrations of your will, in order to protect my own and that of others. Society guarantees the liberty of each one, and if one citizen attack that of another, he is arrested in the name of liberty. For example, religious liberty is sacred. You may, in the secret of consciousness, invent for yourself the most extravagant superstition; but if you wish publicly to inculcate an immoral worship, you threaten the liberty and reason of your citizens: such preaching is interdicted.

From the necessity of repressing, springs the necessity of a constituted repressive force.

Rigorously, this force is in us; for if I am unjustly attacked, I have the right to defend myself. But, in the first place, I may not be the strongest; in the second place, no one is an impartial judge in his own cause, and what I regard or give out as an act of legitimate defense may be an act of violence and oppression.

So the protection of the rights of each one demands an impartial and disinterested force, that may be superior to all particular forces.

This disinterested party, armed with the power necessary to secure and defend the liberty of all, is called government.

The right of government expresses the rights of all and each. It is the right of personal defense transferred to a public force, to the profit of common liberty.

Government is not, then, a power distinct from and independent of society; it draws from society its whole force. It is not what it has seemed to two opposite schools of publicists,—to those who sacrifice society to government,—to those who consider government as the enemy of society. If government did not represent society, it would be only a material, illegitimate, and soon powerless force; and without government, society would be a war of all against all. Society makes the moral power of government, as government makes the security of society. Pascal is wrong when he says that not being able to make what is just powerful, men have made what is powerful just. Government, in principle at least, is precisely what Pascal desired,—justice armed with force.

It is a sad and false political system that places society and government, authority and liberty, in opposition to each other, by making them come from two different sources, by presenting

them as two contrary principles. I often hear the principle of authority spoken of as a principle apart, independent, deriving from itself its force and legitimacy, and consequently made to rule. No error is deeper and more dangerous. Thereby it is thought to confirm the principle of authority; far from that, from it is taken away its solidest foundation. Authority — that is to say, legitimate and moral authority — is nothing else than justice, and justice is nothing else than the respect of liberty; so that there is not therein two different and contrary opinions, but one and the same principle, of equal certainty and equal grandeur, under all its forms and in all its applications.

SAMUEL SULLIVAN COX

(1824–1889)

ALWAYS one of the readiest and most fluent, and often one of the most instructive and forcible speakers of his day, "Sunset" Cox, narrowly missed becoming a very great orator. He had every faculty which characterizes a great orator, in addition to one which no political orator can have and remain great,—a governing sense of humor. He was never safe from the temptation to become humorous at the expense of power. His speech of June 3d, 1879, against the "Ironclad Oath," might easily have become one of the great orations of Congress. Mr. Cox had mastered the entire literature of the subject, he was intensely in earnest, he looked beyond the passions of his day to the eternal verities, but arguing toward a climax in which he intended to appeal to the principles of "The Sermon on the Mount," he could not resist the temptation to stop, midway his triumphant progress towards great success, to convulse the House with the story of how Cornelius O'Flaherty "swore off" from drinking. In spite of his humor, and in a certain sense because of it, Mr. Cox exerted a wide influence during his generation, but so accustomed did the public grow to expecting humor from him, that the serious work of his life has never been fully recognized. Political life was a serious business for him, however, from the beginning,—so serious that his reactions into humor are not to be wondered at. He was born in Ohio, September 30th, 1824. When he entered Congress as a Member of the House of Representatives, elected from Ohio, he found himself as a Democrat almost completely isolated by the events which followed the fall of Fort Sumter. He was an earnest and logical supporter of the constitutional Union of the States, but his sympathies for all Americans, North and South, were strong. He was more actively a war Democrat than Vallandigham, or even than Pendleton, but the whole Civil War was a grief to him, and during the period of scarcely less violent political struggle which followed the cessation of actual hostilities, his efforts were directed to mollify prejudice, mitigate animosity, and restore as much as possible of the good-will between all Americans on which the American institutions he believed in were necessarily based. He entered politics as a Douglas Democrat, and one of the best of his earliest speeches was delivered on the death of Douglas in 1861. He served

in Congress as a representative from Ohio from 1857 to 1865. Removing to New York city, he was again elected to Congress as a Democrat in 1869, serving with an intermission of one term until 1885, when he was appointed United States Minister to Turkey. After his return in 1886, he was re-elected to Congress and again re-elected in 1888. He died in New York city, September 10th, 1889. Of his books, his 'Three Decades of Federal Legislation' is the most valuable, while his 'Diversions of a Diplomat' is the most characteristic and entertaining.

AGAINST THE IRONCLAD OATH

(From a Speech in the House of Representatives, June 3d, 1879)

THERE was a bitter contest in England after the revolution of 1640; it turned upon an oath. It was not merely prelacy, or the wearing of the surplice, or the use of a liturgy, or the Book of Common Prayer, or the sign of the cross which tried the soul of Richard Baxter and others like him, who would not conform to the Established Church. It was the *et cetera* oath. It had a clause from which it is named: "Nor will I ever give my consent to alter the government of the Church by archbishops, bishops, deans, and archdeacons, etc., as it stands now established and ought to stand." This was an oath promissory; an oath binding fallible men never to change opinions. It included in it an *et cetera* — no one knew what. An adjuration thus indefinite was like our ironclad, so indefinite as to be the essence of folly and despotism. [Applause.] Instead of helping the prelacy to be unchangeable, it roused up the Baxters of that day to resist; it became an advantage to the cause of dissent. The Long Parliament seized upon it, along with the ship-money question, to vindicate freedom and inflame the people against royalty. Puritanism thrived upon this insane proscription. It gave new truth to the French verse as to the English monarch: —

"Le roi d'Angleterre
Est le roi d'enfer."

Pym, Fiennes, Digby, and others of the Puritan heroes of Parliament, thundered against it. It was a part of the incitement which gave to the commonwealth its synod in spiritual and its Parliament for temporal matters.

After the restoration other oaths were enacted. Those in the service of the Church were required to promise subjection to the canons and abjure the solemn league and covenant. They were required to abjure the taking up of arms against the King and his officers. By this the English Church lost two thousand of its best ministers. Still another law was passed requiring of ministers an oath which, if they refused, they should not come within five miles of any city or corporation, or any place where they had lived or which sent burgesses to Parliament. This is the oath: —

> I, A B, do swear that it is not lawful, upon any pretense whatsoever, to take arms against the King; and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him, in pursuance of such commission; and that I will not, at any time, endeavor any alteration of the government, either in Church or State.

Some took this oath, for they had no subsistence for their families among the strange country places to which they were expelled. "No severity," says Hallam, "comparable to this cold-blooded persecution has been inflicted by the late powers even in the ferment and fury of a civil war." All sorts of subterfuges and reservations were resorted to, to take the oath and not feel it binding in a certain sense. It was the fruitful source of prevarication and perjury.

In the persecutions under this oath, and while Sydney and others were falling under the ax of the despot, Richard Baxter, the leader of nonconformity, fell under the tender mercy of Jeffreys at Westminster. This judicial fiend was well selected to execute such laws, for never in the career of infamous judges is there anything to compare with his brutal treatment of this meek and just man. "Does your lordship think any jury will pass a verdict upon me upon such a trial?" asked the author of the Holy Commonwealth of this judge. "I'll warrant you," said Jeffreys; "don't you trouble yourself about that." The packed and corrupt jury, summoned to do the bidding of the obsequious tool of a licentious court, laid their heads together and found him guilty without leaving the box.

Out of the ordeal of these odious oaths and mock trials, sprang the noble army of nonconformist confessors whose labors and sufferings gave to them an immortalization on earth by the

muse of history, and gave to their immortality in heaven the beauty of holiness which was their "saints' rest" forever. It gave that grace and spirituality to the better part of the Puritan character, of which there is so much just boasting in our own country, and that, too, by men who have forgotten their shining example.

It is sad, almost savage satire on those who thus vaunt of these stanch men of spiritual faith and austere manners, that their "stalwart" descendants in the New World are the loud leaders in perpetuating the same system of proscriptive oath-taking and mock-jury trial which gave to England her revolution of 1688 and to America her earliest and bravest lovers of liberty. The lesson it teaches to New England is that —

> "Those who on glorious ancestors enlarge,
> Produce their debt, instead of their discharge." [Laughter.]

These very test oaths, sir, drove many a Puritan, Quaker, and Catholic to the New World. It was reserved for their descendants to re-enact them here in the noon of our century, not only to affect religion and State, but to inflict penalties and perpetuate hatred. Ah, where is that old Puritan spirit which led to the abolition of the Star Chamber, the High Commission, and the Council of York, which demanded the execution of Strafford and the King, and which always held to the "Petition of Right" as a palladium of English liberty? Where is that spirit of parliamentary courage which arrested the attempt of the King upon the Commons when he strove to suppress Wentworth and to arrest Hampden, Pym, Hollis, Hasselrig, and Strode for high treason, because they spoke for the great charter — the Petition of Right and the privileges of the Commons? Where is the Puritan nerve and spirit which resisted the attempt of the King when he came to the Commons to demand the five members, with his guard of pensioners and tories, exclaiming that he would not break their privileges, but that treason had no privilege? He found his birds had flown, and retreated ignominiously from the Commons, saluted with the cry, "Privilege! privilege!" This was at a time, too, when the ax hung over the heads of outspoken Puritans.

I would not derogate from the Puritan character nor unduly exalt it. It has been said that the Puritans who came to this country had not the heroism of those who remained at home to

fight for freedom against the King. It is known that many of them became more intolerant here than their persecutors had been in England. It is not for me to praise their burning of witches, their persecution of Catholics, their cutting out the tongues of Quakers, and their exile of the Baptists. Nor would it be proper to refer to their trade in slaves or their treatment of the Indians. Enough remains of the history of the Puritans of New England during the many years preceding our own Revolution to show that the spirit of Pym, Hampden, and Wentworth was instinct and alive in the Warrens, Adamses, and Hancocks of our elder day. But, alas, how have their descendants degenerated! They cannot read the history of these their own test oaths placed on our statute by them, even on "Revision," and the laws for the use of the army to control civil affairs and override by force local rights, without a blush. They were not merely the passive instruments of their enactment and execution, but the active instruments as well.

When Macaulay describes the Puritans of old England as "looking down upon the rich and the eloquent, upon nobles and upon priests, with contempt, esteeming themselves rich in a more enduring treasure, and eloquent in a more sublime language — nobles by the right of an earlier creation, and priests by the imposition of a mightier hand," could he have dreamed that out of a civil war in this land this domineering element, so proud and great, would fall so far as to keep on the statute tests, pains, and penalties which France, Turkey, Russia, and even Asiatic and African barbarians would be ashamed to defend?

Thus, when we follow this quasi-Puritan of this latter day, we find nothing of heroism to worship. It is like going into the old Egyptian temples; its priests are of grave aspect; its porticos and vestibules and groves beautiful; its walls resplendent with paintings, gems, silver, and amber; its adyta shaded with gold; but its god is a cat, a crocodile, or serpent, rolling upon purple coverlets. What history has not been written, what poems not sung, in praise of the heroic Puritan element, yet how ignoble their descendants seem when their proscription and bigotry are exposed. . . .

One of the peculiar features of the Ironclad is that it compels a person to swear that while he is taking the oath he is not forswearing himself, *i. e.*, that he has no mental reservations, that he is playing no sleights with his conscience, no thimblerig with

words; or, in other words, he is sworn that while he is swearing he is not lying! I have here an illustration of a peculiar mode of swearing. It is an oath which reserves so many conditions and qualifications that it nullifies itself. Carlton publishes it of one of his Celtic characters. Being urged by his good priest to take a pledge against intemperance, the affiant went to the schoolmaster of his village and had the following drawn: —

Oath against liquor made by me, Cornelius O'Flaherty, philomath, on behalf of Misther Peter Connell, of the Cross-Roads, merchant, on one part, and of the soul of Mrs. Ellish Connell, now in purgatory, merchantess, on the other.

I solemnly, and meritoriously, and soberly swear that a single tumbler of whisky punch shall not cross my lips during the twenty-four hours of the day, barring twelve, the locality of which is as followeth: —

Imprimis — Two tumblers at home	2
Secundo — Two more ditto at my son Dan's	2
Tertio — Two more ditto behind my own garden	2
Quarto — One ditto at the Reverend Father Mulcahy's	1
Quinto — Two more ditto at Frank M'Carroll's, of Kilclay	2
Sexto — One ditto wid ould Bartle Gorman, of Cargah	1
Septimo — Two more ditto wid honest Roger M'Gaugy, of Nurchasey	2
	12

N. B. — I except in case any docthor of physic might think it right and medical to ordher me more for my health; or in case I could get Father Mulcahy to take the oath off of me for a start, at a wedding, or a christening, or at any other meeting of friends where there's drink. [Applause and laughter.]

I do not know whether Congressmen would make these extensive reservations. [Laughter.] How would it affect my colleague [Mr. Chittenden] from the City of Churches? [Laughter.] He is our swearing member. [Laughter.] He could not take this oath after his orthodox apology. [Laughter.]

Gentlemen here know how recruits were sworn, and how they were prepared for the battles of the Republic. No customhouse officer ever administered a stressless oath with more haste and nonchalance than do some of our courts. Who feels their binding force? Who is not shocked by the irreverence and frivolity? When the captain of the Pinafore, in a hasty fit of temper, says "damme," the chorus of good sailors is horrified. The burlesque is equally applicable to other oaths. Such trivial and frequent

swearing is no swearing at all; and by extremes, it comes near the Bible command, "Swear not at all." They remind one of the man who was swearing loudly to Hercules. His companion said: "Do not call so loud or the god may hear you." [Laughter.] Our statutes groan with oaths at every page, and, like the ghost in Hamlet, moan: "Swear! Swear!" They should evanish with the dawn. Governments condemn thugs, carbonari, ku-klux, nihilists, and secret societies generally, for their mystic oaths. Let government set an example and abolish the custom. The wisest writers, like Bentham, hold them repugnant to the Christian religion. He wonders why, under such a religion, oaths should be so common. The answer is not complimentary to our civilization. In earlier days society was cemented by oaths. Liberty was assured, as in Switzerland, by an oath. Patriotism, perhaps, is nerved and obligations sanctified by it, when the bonds of society become loose and require tightening. But now what a farce is this constant swearing! . . .

I doubt if all the oaths ever recorded in sacred or classic lore, or propounded in any land, for political, religious, judicial, martial, or festive purposes; whether for jurors, witnesses, or officials; whether at customhouses or at marriage rites; whether to suspected patriots or supposed traitors; from Noah, who took the first oath, down to the cloud of investigation committee witnesses, can compare for one moment with what is known as our "Ironclad Oath" for the ridiculousness and variety of its application. There is one exception; and that, too, is in our country. It is to be found in the Missouri constitution made by the Republicans just before the end of the war.

That oath illustrates that there are some laws and some men who defy the everlasting order and congruity of things to carry out their grudges. It is enough to damn the party which made it to an eternity of infamy. Luckily the Supreme Court of the United States cut it up by the roots. Although it remained five years to blot the organic law of a great and growing State, and although its provisions again and again were used to give a small minority of the people of Missouri the ruling power, yet at last its authors hid from public execration, and the oath was stamped out by the decision of Mr. Justice Stephen J. Field, in an opinion which adds to his fame as an enlightened and liberal-minded jurist.

The decision was made in the case of Cummings *versus* The State of Missouri, 4 Wallace, page 277. The plaintiff was a Catholic priest. He was indicted and convicted of the crime of teaching and preaching the Christian religion without having first taken the oath required by the amended constitution of April 1865. He was fined $500. Refusing to pay it, he was committed to jail, and, like St. Paul, would not come out until by due process of the law which placed him there.

The Supreme Court of Missouri had the effrontery and ignorance to confirm that judgment. That oath was divided into more than thirty distinct tests. Some of the tests were never even offenses by the laws of the State, and some of them were not even blameworthy, but grew out of charity and affection. The affiant was required on oath to affirm not only that he had never been in armed hostility to the United States, but never by act or word manifested his adherence to the enemy or his desire or sympathy with those in rebellion, and had never harbored or aided or countenanced any person so engaged, and had never come into or left Missouri to avoid enrollment or draft or to escape his duty in the military service of the United States or the militia of the State, and had never indicated in any terms his disaffection.

Those who could not or did not take this "oath of loyalty," as it was called, within sixty days, were ousted from office, if in; and incapacitated from holding office, if out. They were debarred from all kinds of offices, even of corporations, public and private; they could not be supervisors, or even teachers of schools, nor hold real estate or property of any kind, in trust for any purpose. All such offices of trust became *ipso facto* vacant on the failure to take this many-headed, many-clawed oath. Nor could any one practice law, or be bishop, priest, deacon, elder, or other clergyman of any religious sect; neither could he teach, preach, or solemnize marriages. This oath is without precedent in history. This oath is without semblance among gods, prophets, saints, soldiers, men, women, or devils, and yet it remained five years! Besides, it required the fiat of our Supreme Court to tear it from the body-politic of Missouri.

The fourteenth section contained the penalty in which Cummings was amerced, as well as another penalty for false swearing. These were the devil-fish *tentacula*, grappling the people of

Missouri, while toiling in the caverns of doubt and despair. In England and France the old test oaths which were so odious were limited to an opposition of the predominant government or religion. Their oath was directed against overt acts of hostility. It never reached the humiliation of punishing men for their heart-throbs and kinship.

Judge Field placed his heel upon this oath as if it were a viper. He found it not only to be in every sense a bill of attainder, but an *ex post facto* law. It was a law which imposed a punishment for an act not punishable at the time it was committed. He held that a deprivation of such offices and duties in life was in all senses a punishment, nor was it less a punishment because a way of escape from it was opened by an oath.

Well did those vile bigots of Missouri understand that whole classes would be unable to take the oath prescribed, and thereby become incapable of jury or any other duty to society or to the State. Hence, comforted and protected by the proscriptive bigotry and hate of Congress, with its "Ironclad," they disfranchised the majority of the State.

How was this law — if it were a law — executed? Certainly it was not in the ordinary sense a law. It had not the excuse of legislative inconsiderate haste. It was in the fundamental constitution of a great State. It had not even the flimsy excuse of Protestant bigotry against the Catholic faith. In some counties Methodists as well as Catholics were indicted, tried, and convicted for preaching Christ's gospel of love; because, like Richard Baxter, they would not commit perjury or conform to the oath. These men had been preaching for years; but no amount of work in the vineyard of the Lord saved them from the remorseless clutch of these self-righteous loyal Pharisees. True, this constitutional clause was not directed against the body. It did not use torture, rack, and thumbscrew. It was a radical ukase against the sacred conscience of men — a torture of the soul — a devilish plot against the ministrations of all religions and the teachings of all classes of mind. It was worse than barbaric.

In the recent wars of Europe the red-cross flag of Geneva upon the white ground of charity gave immunity to those who cared for the sick. It alleviated suffering and saved life. It earned the blessings and gratitude of all. It gave laws of kindness to war. But this infamous oath which stopped the physician

in his round of duty to the sick and dying, and the priest in his consolations, and that under the pressure of an oath to Almighty God, would have hauled down the red cross of Geneva. When it did not imprison the clergyman in his home, it did worse; it consigned him to the common jail. It was worse than the "five-mile act" of Episcopal bigotry against the Dissenters.

How was it executed? Let one instance illustrate. The radical ghouls of Cape Girardeau County, under this law, indicted the Sisters of Charity who taught in a convent. Three of these angels of mercy were dragged into court several times, indicted, and tried; and even the foreman of the grand jury sent his own child to the convent to be taught, so as to get proof of the teaching and so as to convict. They had not taken the oath. In their case, however, public opinion revolted, and the Titus Oateses of Missouri hid their heads for a time from public opinion, but not until they left for us lessons of their proscriptive meanness which, in degenerating from the days of Pym and Hampden, Baxter and De Foe, left imperishable evidence of their unfitness to live as generous co-workers for good in human society. Ah, if those Sisters of Charity and Mercy, the Florence Nightingales of our conflict, have passed from earth and found their beatitudes in the yonder azure sheen, where they walk white-handed in celestial light, singing the praises of the good Savior they served here among men,—with what pitying eye do they look down upon the foolish and spiteful human craftiness which sought to break the blessed utility and unity of their lives by relentless persecution. Language has no vehicle of expression, the mind no idea, fit to tell the burning shame which should blister forever the cowardice and cruelty of a test so odious and hateful. [Applause.]

Sergeant Talfourd in his 'Ion' exquisitely describes the solace and comfort of those who by benevolent endeavor mold their lives into benevolence:—

> "'Tis a little thing
> To give a cup of water; yet its draught
> Of cool refreshment, drained by fevered lips,
> May give a shock of pleasure to the frame
> More exquisite than when nectarean juice
> Renews the life of joy in happiest hours.

It is a little thing to speak a phrase
Of common comfort which by daily use
Has almost lost its sense; yet on the ear
Of him who thought to die unmourned 'twill fall
Like choicest music.»

But these radical constitution-makers and executors of infamous statutes would arrest and imprison the Sisters of Charity who have gladdened our sad world by their merciful ministrations. The names of this sisterhood are not sounded by the brazen trumpets of publicity, nor mingled with the notes of sectarian discord; but they are found on the criminal records of radical Missouri — the disgrace of our generation. [Applause.]

What execrations are not due to those who persecuted these loving laborers. From the earliest centuries after Christ when the noble Roman lady, Paula, took up her residence in Bethlehem to care for and comfort the sick; from the time she «laid their pillows aright,» as the old chronicle tells us, and felt that the less service she did to the sick the less she did to God; from the time of this first sister of mercy down to our day, when the kind *Sœurs Hospitalières* of France, Béguines of Flanders, and the Sisters of Elizabeth in Germany, in their black gowns and white hoods, their complacent sweetness and holy living, gave to the striken their self-devotion so nobly illustrated by Florence Nightingale and her company of noble women, whose only prayer was to go where suffering and perils were greater, no one ever dared to lay secular or rude hands upon this sisterhood.

It was to have been hoped that, at the close of our Civil War, when the bugles had sounded the long truce, and war-broken soldiers were left stranded in the hospitals, there was no one in human shape who would be so regardless of those gentle and superior beings of the other sex — who had shown such self-abnegation — as to persecute them as outlaws of society. Had they not bent over the wounded and sick «when pain and anguish wrung the brow,» and whispered low the words of peace, patience, and divine hope, while smoothing the pillow and holding the cup to the parched lip? Had they not aided the healing power with moral cheerfulness, and by their softening and purifying presence given good impulses and holy thoughts to the sick and dying? Why, even the Robespierres and Dantons and the very devils of the French Reign of Terror respected this

sisterhood. They were recalled by a special decree of the republic, which recited their boundless love and charity; and their faithful head, Citoyenne Duleau, was given new authority to practice that beautiful vocation,—as described in 'Lucille,'—the poetical counterpart of Florence Nightingale:—

> "The mission of genius on earth! To uplift,
> Purify, and confirm by its own gracious gift
> The world, in despite of the world's dull endeavor
> To degrade, and drag down, and oppose it forever.
> The mission of genius: to watch, and to wait,
> To renew, redeem, and to regenerate."

But had this sisterhood lived in Missouri and given their facile sympathy and good offices to the wounded rebels, fine and imprisonment would have been their punishment. The very fiends of the Reign of Terror put to shame these bigots of our day and generation! Spenser tells the story of three brothers; when one died he did not go to join Pluto's grizzly band, but his spirit entered into his brother, and when that brother died the joint spirit entered into the survivor. The Republicans of this Congress seem to have inherited the spirit of their brother radicals of Missouri. How long will they live?

THE SERMON ON THE MOUNT

(Peroration of the Speech of July 3d, 1879, in the House of Representatives)

Mr. Speaker:—

IT MAY be a fancy, but I sometimes think that the loftiest and purest thoughts come down to us from the mountain.

> "But in the mountains we do feel our faith.
> All things responsive to the writing there
> Breathed immortality, revolving life,
> And greatness still revolving; infinite;
> There littleness was not; the least of things
> Seemed infinite."

I hope it may not be presuming to say, Mr. Speaker, that I have been something of a traveler, and have been upon many mountains of our star. I would that my observations had been better utilized for duty. I have been upon the Atlas, whose

giant shoulders were fabled to have upheld the globe. I have learned from there, that even to Northern Africa the Goths brought their *fueros* or bills of right, with their arms, from the cold forests of the North to the sunny plains and rugged mountains of that old granary of the Roman world. I have been amid the Alps, where the spirit of Tell and liberty is always tempered with mercy, and whose mountains are a monument through a thousand of years of republican generosity. I have been among the Sierras of Spain, where the patriot Riego — whose hymn is the Marseillaise of the Peninsula — was hunted after he had saved constitutional liberty and favored amnesty to all, — the noblest examplar of patriotism since the days of Brutus. From the seven hills of Rome, down through the corridors of time, comes the story which Cicero relates from Thucydides; that a brazen monument was erected by the Thebans to celebrate their victory over the Lacedæmonians, but it was regarded as a memento of civil discord, and the trophy was abolished, because it was not fitting that any record should remain of the conflict between Greek and Greek. From the same throne of ancient power, come the words which command only commemoration of foreign conquests and not of domestic calamities; and that Rome, with her imperial grace, believed that it was wisest to erect a bridge of gold, that civil insurgents should pass back to their allegiance. From the Acropolis at Athens, there is the story of the herald at the Olympic games, who announced the clemency of Rome to the conquered, who had long been subjected to the privations and calamities imposed by the conqueror. The historian says that the Greeks, when the herald announced such unexpected deliverance, wept for joy at the grace which had been bestowed.

All these are but subordinate lights around the central light, which came from the mountain whence the great sermon was spoken. Its name is unknown; its locality has no geography. All we know is that it was "set apart."

The mountains of our Scriptures are full of inspiration for our guidance. Their teachings may well be carried into our political ethics. But it was not from Ararat, which lifted its head first above the flood and received the dove with its olive branch; not from Sinai, which looks proudly upon three nations and almost three countries and overlooks our kind with its great moral code; not from Horeb, where Jehovah with his fearful

hand covered his face that man might not look upon his brightness; not from Tabor, where the great transformation was enacted; not from Pisgah, where Moses made his farewell to the people he had delivered and led so long; not from Carmel, where the prayer of Elijah was answered in fire; not from Lebanon, whose cedars were the beauty of the earth; not from the Mount of Olives, which saw the agony of the Savior; not from Calvary, at whose great tragedy nature shuddered and the heavens were covered with gloom; not from one or all of these secular or sacred mountains that our best teaching for duty comes. It comes from that nameless mountain, set apart, because from it emanated the great and benignant truths of him who spake as never man spake. [Applause.] Here is the sublime teaching:

"Ye have heard in the aforetime, that it hath been said, Thou shalt love thy neighbor and hate thine enemy.

"But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them that despitefully use you and persecute you.

"That ye may be the children of your Father which is in heaven: for he maketh his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust."

The spirit of this teaching has no hospitality for test oaths, and asks no compensation for grace. [Applause.] Along with this teaching and to the same good end, are the teachings of history, patriotism, chivalry, and even economic selfishness. Yet these teachers are often blind guides to duty. They are but mole-hills compared with the lofty mountain whose spiritual grandeur brings peace, order, and civilization!

When these principles obtain in our hearts, then our legislation will conform to them. When they do obtain their hold in these halls, there will arise a brilliant day-star for America. When they do obtain recognition, we may hail a new advent of that Prince of Peace, whose other advent was chanted by the angelic choir!

In conclusion, sir, let me say that, in comparison with this celestial code, by which we should live and die, how little seem all the contests here about armies, appropriations, riders, and coercion, which so exasperate and threaten! Let our legislation be inspired by the lofty thought from that Judean mountain, and God will care for us. In our imperfections here as legislators,

let us look aloft, and then "His greatness will flow around our incompleteness, and round our restlessness, his rest!" Then, measures which make for forgiveness, tranquillity and love, like the abolition of hateful oaths and other reminders of our sad and bloody strife, will rise in supernal dignity above the party passions of the day; and that party which vindicates right against might, freedom against force, popular will against Federal power, rest against unrest, and God's goodness and mercy, around and above all, will, in that sign, conquer. [Applause.]

To those in our midst who have the spirit of violence, hate, and unforgiveness, and who delight in pains, penalties, test oaths, bayonets, and force, and who would not replace these instruments of turbulence with love, gentleness, and forgiveness, my only curse upon such is, that God Almighty, in his abundant and infinite mercy may forgive them, for "they know not what they do." [Long-continued applause.]

STEPHEN A. DOUGLAS AND HIS PLACE IN HISTORY

(From a Speech in the House of Representatives, July 9th, 1861)

SCARCELY with any of our public men can Douglas be compared. The people like to compare him to Jackson, for his energy and honesty. He was like the great triumvirate,—Clay, Webster, and Calhoun,—but "like in difference." Like them in his gift of political foresight, still he had a power over the masses not possessed by them. Like Clay, in his charm to make and hold friends and to lead his party; like Webster, in the massive substance of his thought, clothed in apt political words; like Calhoun, in the tenacity of his purpose and the subtilty of his dialectics; he yet surpassed them all in the homely sense, the sturdy strength, and indomitable persistence with which he wielded the masses and electrified the Senate.

In the onslaught of debate he was ever foremost; his crest high and his falchion keen. Whether his antagonists numbered two or ten, whether the whole of the Senate were against him, he could "take a raking fire at the whole group." Like the shrouded Junius, he dared Commons, Lords, and King, to the encounter; but unlike that terrible Shadow, he sought no craven covert, but fought in the open lists, with a muscular and mental

might which defied the unreasoning cries of the mob and rolled back the thunders of the Executive anathema!

Douglas was no scholar, in the pedantic sense of the term. His reading was neither classical nor varied. Neither was he a sciolist. His researches were ever in the line of his duty, but therein they were thorough. His library was never clear from dust. His favorite volume was the book of human nature, which he consulted without much regard to the binding. He was skilled in the contests of the bar; but he was more than a lawyer — he easily separated the rubbish of the law from its essence. As a jurist, his decisions were not essays; they had in them something decisive, after the manner of the best English judges. As a legislator, his practicalness cut away the entanglements of theoretic learning and ancient precedent, and brought his mind into the presence of the thing to be done or undone. Hence he never criticized a wrong for which he did not provide a remedy. He never discussed a question that he did not propose a measure.

His style was of that plain and tough fibre which needed no ornament. He had a felicity in the use of political language never equaled by any public man. He had the right word for the right place. His interrogative method, and his ready and fit replies, gave dramatic vivacity to his debates. Hence the newspapers readily copied them and the people retentively remembered them. Gleams of humor were not infrequent in his speeches, as in his conversation. His logic had the reach of the rifled cannon, which annihilated while they silenced the batteries of his opponents.

Douglas was a partisan, but he never wore his party uniform when his country was in danger. His zeal, like all excess, may have had its defect; but to him who observes the symmetry and magnanimity of his life, it will appear that he always strove to make his party conservative of his country.

The tenacity with which he clung to his theory of territorial government, and the extension of suffrage, on local questions, from State to Territory, and the absolute nonintervention by Congress for the sake of peace and union, while it made him enemies, increased the admiration of his friends. His nature shines out with its loftiest grace and courage in his debates on these themes, so nearly connected as he thought them with the stability of the Republic.

If it be that every true man is himself a cause, a country, or an age; if the height of a nation is the altitude of its best men, then, indeed, are these enlarged liberalities, which are now fixed as American institutions, but the lengthened shadow of Stephen A. Douglas. This is the cause — self-government in State and Territory — with which he would love most to be identified in his country's history. He was ready to follow it to any logical conclusion, having faith in it as a principle of repose, justice, and union.

Placed at the head of the Territorial Committee, it was his hand which, on this basis, fashioned Territory after Territory, and led State after State into the Union. The latest constellation formed by California, Iowa, Oregon, Wisconsin, Minnesota, and I may add Kansas, received their charter to shine and revolve under his hand. These States, faithful to his fostering, will ever remain as monuments of his greatness!

His comprehensive forecast was exhibited in his speech on the Clayton and Bulwer treaty, on the fourth of March, 1853, wherein he enforced a continental policy suitable and honorable to the New World and its destiny, now so unhappily obscured. That speech was regarded by Judge Douglas as among the most valuable, as I think it the most finished and cogent speech of his life. His philippic against England, which to-day has its vindication in her selfish conduct towards us, will remind the scholar of Demosthenes, while his enlarged philosophy has the sweep and dignity of Edmund Burke. It was this speech which gave to Douglas the heart of Young America. He refused to prescribe limits to the area over which Democratic principles might safely spread. "I know not what our destiny may be." "But," he continued, "I try to keep up with the spirit of the age; to keep in view the history of the country; see what we have done, whither we are going, and with what velocity we are moving, in order to be prepared for those events which it is not in the power of man to thwart." He would not then see the limits of this giant Republic fettered by treaty; neither would he in 1861 see them curtailed by treachery. If he were alive to-day he would repeat with new emphasis his warning against England and her unforgiving spite, wounded pride, and selfish policy. When, in 1847, he advocated the policy of terminating her joint occupation with us of Oregon, he was ready to back it by military force; and if war should result, "we might drive Great Brit-

ain and the last vestiges of royal authority from the continent of North America, and make the United States an ocean-bound Republic!"

With ready tact and good sense, he brought to the fiscal and commercial problems of the country views suitable to this age of free interchange and scientific advancement.

His position on the Foreign Affairs Committee of the Senate gave him a scope of view abroad, which was enriched by European travel and historic research, and which he ever used for the advancement of our flag and honor among the nations. His knowledge of our domestic troubles, with their hidden rocks and horrid breakers, and the measures he proposed to remove them, show that he was a statesman of the highest rank, fit for calm or storm.

Some have lamented his death now as untimely and unfortunate for his own fame, since it has happened just at the moment when the politician was lost in the patriot, and when he had a chance to atone for past error by new devotion.

Mr. Speaker, men do not change their natures so easily. The Douglas of 1861 was the Douglas of 1850, 1854, and 1858. The patriot who denounced this great rebellion was the patriot in every fold and lineament of his character. There is not a page of his history that we can afford to blot. The words which escaped him in the delirium of his last days — when he heard the "battle afar off, the thunder of the captains, and the shouting" — were the keynote to a harmonious life.

Observant of the insidious processes North and South which have led us to this civil war, he ever strove, by adjustment, to avoid their disastrous effects. History will be false to her trust if she does not write that Stephen A. Douglas was a patriot of matchless purity, and a statesman who, foreseeing and warning, tried his utmost to avert the dangers which are now so hard to repress. Nor will she permit those who now praise his last great effort for the Union to qualify it, by sinister reflections upon his former conduct; for thus they tarnish the lustre of a life devoted, in peace and war, to the preservation of the Union. His fame never had eclipse. Its disk has been ever bright to the eye of history. It sank below the horizon, like the sun of the Morea, full-orbed, and in the full blaze of its splendor.

THOMAS CRANMER

(1489–1556)

PERHAPS in all English history there is nowhere else so striking an example of the sublimity of which human nature is capable in its utmost and most shameful weakness as that given by Cranmer in his speech at the stake. As a statesman he had vacillated and hesitated, sacrificing principle repeatedly for the sake of public policy or his own safety and immediate advantage. But it is hard to imagine a nobler death than his. In the full consciousness of his weakness, having put away completely his regard for public opinion, as well as what is generally considered self-respect, he used his last moments to exhort Englishmen who would survive him not to hate and hurt each other, and to entreat those who had "great substance and riches of this world," to have mercy on the weak. Then when no longer allowed to speak, and when the fire had been lighted, he gave the memorable exhibition of self-mastery, which redeemed him from surviving in history as a mere weakling, and made him one of the great heroic figures of the English race. The scene after he was silenced is thus described by his biographer, John Strype, writing in 1693 on the authority of eye-witnesses:—

"And here, being admonished of his recantation and dissembling, he said, 'Alas, my Lord, I have been a man that all my life loved plainness, and never dissembled till now against the truth; which I am most sorry for.' He added thereunto, that, for the sacrament, he believed as he had taught in his book against the Bishop of Winchester. And here he was suffered to speak no more.

"So that his speech contained chiefly three points: love to God, love to the King, love to the neighbor. In the which talk he held men in very suspense, which all depended upon the conclusion; where he so far deceived all men's expectations, that, at the hearing thereof, they were much amazed; and let him go on awhile, till my Lord Williams bade him play the Christen man, and remember himself. To whom he answered that he so did; for now he spake truth.

"Then he was carried away; and a great number, that did run to see him go so wickedly to his death, ran after him, exhorting him while time was to remember himself. And one Friar John, a godly and well-learned man, all the way traveled with him to reduce him. But it would not be. What they said in particular I cannot tell, but the effect appeared in the end; for at the

stake he professed that he died in all such opinions as he had taught, and oft repented him of his recantation.

«Coming to the stake with a cheerful countenance and willing mind, he put off his garments with haste, and stood upright in his shirt; and a bachelor of divinity, named Elye, of Brazen-nose College, labored to convert him to his former recantation, with the two Spanish friars. But when the friars saw his constancy, they said in Latin one to another, 'Let us go from him; we ought not to be nigh him; for the Devil is with him.' But the bachelor of divinity was more earnest with him; unto whom he answered, that, as concerning his recantation, he repented it right sore, because he knew it was against the truth; with other words more. Whereupon the Lord Williams cried, 'Make short, make short.' Then the Bishop took certain of his friends by the hand. But the bachelor of divinity refused to take him by the hand, and blamed all others that so did, and said he was sorry that ever he came in his company. And yet again he required him to agree to his former recantation. And the Bishop answered (shewing his hand), 'This is the hand that wrote it, and therefore shall it suffer first punishment.'

«Fire being now put to him, he stretched out his right hand, and thrust it into the flame, and held it there a good space, before the fire came to any other part of his body; where his hand was seen of every man sensibly burning, crying with a loud voice, 'This hand hath offended.' As soon as the fire got up, he was very soon dead, never stirring or crying all the while.»—(From 'Memorials of Thomas Cranmer,' by John Strype, M. A. 1693.)

Three centuries after the best and greatest man of any period has done his work, the world can look back upon it and see that it is not given to any man to be «eternally right» in anything whatever except in such renunciation and self-sacrifice as Cranmer, the martyr, showed at the last in his condemnation of Cranmer, the statesman, Cranmer the prelate, and Cranmer the politician.

He was born in Nottinghamshire, July 2d, 1489, and died at Oxford, March 21st, 1556. Educated at Cambridge, he became one of the most learned men of his day, and when, in 1529, he used his learning to enable Henry VIII. to divorce Catharine of Aragon, he came at once into high favor at court. Appointed the King's chaplain, he was sent in 1532 on a mission to Germany and in 1533 was appointed Archbishop of Canterbury. He used that position, as was expected, against the rights of Queen Catharine. Under Edward VI., in 1553, he was induced to sign a patent excluding Mary and Elizabeth from the succession in favor of Lady Jane Grey, and as a result, on the accession of Mary, daughter of Catharine of Aragon, he was sent to the tower for treason, and, subsequently, to the stake, on a charge of heresy; though, of course, as generally happened in such cases during that period, the motive back of the charge of spiritual error was purely one of politics. Cranmer had pledged himself to respect the will of Henry VIII., by which the succession devolved upon Mary, and his breach of faith in violating this pledge has been

called perjury, as his frequent shifting of position from the beginning of his political career up to the time when he collected all his faculties in his supreme effort at the stake has been called cowardice and lack of moral character. Macaulay denies, as others have done, his right to be called a martyr, but even if his life had been that of a coward in the last stages of moral infirmity up to the time when "with his hand seen by every one to be sensibly burning, he cried with a loud voice, 'This hand hath offended,'" and so died, his death would remain nevertheless one of the most admirable in history, so remarkable by reason of its very contrast with his life, that we can hardly imagine such strength possible for humanity, except as an antithesis to the extreme weakness, in repenting which Cranmer glorified himself and that common humanity of which his weaknesses were characteristic.

HIS SPEECH AT THE STAKE

(As Reported in 'The Memorials,' by John Strype, 1693)

Good people, I had intended indeed to desire you to pray for me; which because Mr. Doctor hath desired, and you have done already, I thank you most heartily for it. And now will I pray for myself, as I could best devise for mine own comfort and say the prayer, word for word, as I have here written it.

[And he read it standing; and afterwards kneeled down and said the Lord's Prayer, and all the people on their knees devoutedly praying with him. His prayer was thus:] —

O Father of heaven; O Son of God, redeemer of the world; O Holy Ghost, proceeding from them both, three persons and one God, have mercy upon me, most wretched caitiff and miserable sinner. I, who have offended both heaven and earth, and more grievously than any tongue can express, whither then may I go, or whither should I fly for succor? To heaven I may be ashamed to lift up mine eyes; and in earth I find no refuge. What shall I then do? shall I despair? God forbid. O good God, thou art merciful, and refusest none that come unto thee for succor. To thee, therefore, do I run. To thee do I humble myself saying, O Lord God, my sins be great; but yet have mercy upon me for thy great mercy. O God the Son, thou wast not made man, this great mystery was not wrought for few or small offenses. Nor thou didst not give thy Son unto death, O

God the Father, for our little and small sins only, but for all the greatest sins of the world, so that the sinner return unto thee with a penitent heart, as I do here at this present. Wherefore have mercy upon me, O Lord, whose property is always to have mercy. For although my sins be great, yet thy mercy is greater. I crave nothing, O Lord, for mine own merits, but for thy Name's sake, that it may be glorified thereby, and for thy dear Son, Jesus Christ's sake.

[Then rising, he said:] All men desire, good people, at the time of their deaths, to give some good exhortation that others may remember after their deaths, and be the better thereby. So I beseech God grant me grace that I may speak something, at this my departing, whereby God may be glorified and you edified.

First, it is an heavy case to see that many folks be so much doted upon the love of this false world, and so careful for it, that for the love of God, or the love of the world to come, they seem to care very little or nothing therefor. This shall be my first exhortation. That you set not overmuch by this false glozing world, but upon God and the world to come; and learn to know what this lesson meaneth, which St. John teacheth, that the love of this world is hatred against God.

The second exhortation is that next unto God you obey your King and Queen willingly and gladly, without murmur and grudging, and not for fear of them only, but much more for the fear of God, knowing that they be God's ministers, appointed by God to rule and govern you. And therefore whoso resisteth them, resisteth God's ordinance.

The third exhortation is, That you love altogether like brethren and sisters. For, alas! pity it is to see what contention and hatred one Christian man hath toward another; not taking each other as sisters and brothers, but rather as strangers and mortal enemies. But I pray you learn and bear well away this one lesson, To do good to all men as much as in you lieth, and to hurt no man, no more than you would hurt your own natural and loving brother or sister. For this you may be sure of, that whosoever hateth any person, and goeth about maliciously to hinder or hurt him, surely, and without all doubt, God is not with that man, although he think himself never so much in God's favor.

The fourth exhortation shall be to them that have great substance and riches of this world, that they will well consider and

weigh those sayings of the Scripture. One is of our Savior Christ himself, who sayeth, It is hard for a rich man to enter into heaven; a sore saying, and yet spoken by him that knew the truth. The second is of St. John, whose saying is this, He that hath the substance of this world and seeth his brother in necessity, and shutteth up his mercy from him, how can he say he loveth God? Much more might I speak of every part; but time sufficeth not. I do but put you in remembrance of these things. Let all them that be rich ponder well those sentences; for if ever they had any occasion to show their charity they have now at this present, the poor people being so many, and victuals so dear. For though I have been long in prison, yet I have heard of the great penury of the poor. Consider that which is given to the poor is given to God; whom we have not otherwise present corporally with us, but in the poor.

And now, for so much as I am come to the last end of my life, whereupon hangeth all my life passed and my life to come, either to live with my Savior Christ in heaven in joy, or else to be in pain ever with wicked devils in hell; and I see before mine eyes presently either heaven ready to receive me, or hell ready to swallow me up; I shall therefore declare unto you my very faith, how I believe, without color or dissimulation; for now is no time to dissemble, whatsoever I have written in times past.

First, I believe in God the Father Almighty, maker of heaven and earth, and every article of the catholic faith, every word and sentence taught by our Savior Christ, his Apostles and Prophets, in the Old and New Testaments.

And now I come to the great thing that troubleth my conscience, more than any other thing that ever I said or did in my life; and that is, the setting abroad of writings contrary to the truth. Which here now I renounce and refuse, as things written with my hand, contrary to the truth which I thought in my heart, and writ for fear of death, and to save my life, if it might be; and that is, all such bills, which I have written or signed with mine own hand since my degradation, wherein I have written many things untrue. And forasmuch as my hand offended in writing contrary to my heart, therefore my hand shall be punished; for if I may come to the fire it shall be first burned. And as for the Pope, I refuse him as Christ's enemy and Antichrist, with all his false doctrine.

AGAINST THE FEAR OF DEATH

(From a Sermon preserved in Strype's 'Memorials')

IF DEATH of the body were to be feared, then them which have power to kill the body should we fear, lest they do their exercise over us, as they may at their pleasure. But our Savior forbids us to fear them, because when they have killed the body, then they can do no more to us. Wherefore it is plain that our Saviour would not that we should fear death. To die, saith St. John Chrysostom, is to put off our old garments, and death is a pilgrimage of the spirit from the body. (He means, for a time.) And a sleep, somewhat longer than the old custom. The fear of it, saith he, is nothing else than the fear of bugs, and a childish fear of that thing cannot harm thee. Remember holy St. Ambrose's saying, which St. Augustine, lying on his death-bed, ever had in his mouth, "I do not fear to die; for we have a good and merciful Lord and Master." Lactantius, the great learned man, confirms the saying of Cicero to be true, which said, "that no man can be right wise, which feareth death, pain, banishment, or poverty: and that he is the honest and virtuous man, which regardeth not what he suffers, but how well he doth suffer." Sedulius defineth death to be the gate, by which lieth the straight way unto our reign and kingdom. Basilius, who as in name, so both in virtue and learning, was great, thus he exhorteth us: "O man, saith he, shrink not to withstand your adversaries, to suffer labors; abhor not death, for it destroys not, nor makes an end of you, but it is the beginning and occasion of life. Nor death is the destruction of all things, but a departing, and a translation unto honors." And St. Hierom, the strong and stout champion of Almighty God, saith, declaring this saying of holy Job, "the day of death is better than the day of birth," that is, saith he, because either that by death it is declared what we are, or else because our birth doth bind our liberty of the soul with the body, and death do loose it."

FORGIVENESS OF INJURIES

(From a Sermon Preserved in Strype's 'Memorials')

THESE two may stand both well together; that we as private persons may forgive all such as have trespassed against us with all our heart, and yet that the public ministers of God may see a redress of the same trespasses that we have forgiven. For my forgiveness concerns only mine own person, but I cannot forgive the punishment and correction that by God's ordinance is to be ministered by the superior power. For in so much as the same trespass, which I do forgive, may be the maintenance of vice, not only of the offender, but also of others taking evil example thereby, it lies not in me to forgive the same. For so should I enterprise in the office of another, which by the ordinance of God be deputed to the same. Yea, and that such justice may be ministered to the abolishment of vice and sin, I may, yea and rather as the cause shall require I am bound to make the relation to the superior powers, of the enormities and trespasses done to me and others; and being sorry that I should have cause so to do, seek the reformation of such evil doers, not as desirous of vengeance, but of their amendment of their lives. And yet I may not the more cruelly persecute the matter, because the offense is peradventure done towards me; but I am to handle it as if it were done to any other, only for the use of the extirpation of sin, the maintenance of justice and quietness; which may right well stand with the ferventness of charity, as the Scripture testifieth. *Non oderis fratrem tuum in corde tuo, sed publice argue eum, ne habeas super illo peccatum.* Lev. xix. So that this may stand with charity, and also the forgiveness that Christ requireth of every one of us.

And yet in this doing, I must forgive him with all my heart, as much as lies in me; I must be sorry, that sin should have so much rule in him. I must pray to God to give him repentance for his misdeeds; I must desire God, that for Christ's sake he will not impute the sin unto him, being truly repentant, and so to strengthen him in grace, that he fall not again so dangerously. I think I were no true Christian man, if I should not thus do. And what other thing is this, that as much as lieth in me, with all my heart to remit the trespass? But I may by the laws

require all that is due unto me of right. And as for the punishment and correction, it is not in my power to enterprise therein; but that only belongeth to the superior powers, to whom, if the grievousness of the cause shall require by the commandment, which willeth us to take away the evil from among us, we ought to show the offense and complain thereof. For he would not that we should take away the evil, but after a just and lawful means, which is only, by the ordinance of God, to show the same to the superior powers, that they may take an order in it, according to God's judgment and justice.

WILLIAM HARRIS CRAWFORD

(1772–1834)

WILLIAM H. CRAWFORD was one of the Presidential candidates in a contest which resulted in a reconstruction of parties and the evolution of an ultimately disastrous sectionalism. He had been chosen to fill an unexpired term in the United States Senate in 1807; had been re-elected in 1811; had been sent as Minister to France in 1813, and in 1816 had succeeded Alexander James Dallas as Secretary of the Treasury, a post he filled throughout the eight years of Monroe's two administrations, ending March 4th, 1825. During his service in the Senate he had taken a leading part, and had been in two duels, in one of which his opponent had fallen, while in the other he had himself been wounded. During the "era of good feeling" under Monroe, when old party lines had been practically effaced, there had been growing up a feeling that the Presidency should go to some State other than Virginia, which had been honored with it during thirty-two years out of thirty-six. Crawford, of Georgia, being a native of Virginia and a member of Monroe's cabinet, was the favorite of the Virginia party and became the nominee of the congressional caucus. But Jackson, of Tennessee; Clay, of Kentucky, and John Quincy Adams, of Massachusetts, all remained in the field as Republican candidates in spite of the caucus. Crawford received the electoral votes of Virginia and Georgia, and enough "scattering" to make 41, while Jackson received 99, Adams 84, and Clay 37. This threw the election into the House where the election of Adams, by the vote of Clay in the Kentucky delegation, brought about the new division of parties into Whigs and Democrats. After this contest Mr. Crawford retired from National politics, being in very poor health; he served, however, as Criminal Judge in Georgia from 1828 to 1831. He was born in Amherst County, Virginia, February 24th, 1772, and died in Elbert County, Georgia, September 15th, 1834

THE ISSUE AND CONTROL OF MONEY UNDER THE CONSTITUTION

(From a Speech in the United States Senate, February, 11th, 1812, on the Bank of the United States)

When I had the honor of addressing the Senate before I questioned the authority of the State governments to create banks, I then stated, and I again explicitly state, that it is with reluctance that I have felt it my duty to make any inquiry into the constitutional right of the State governments to incorporate banks. The State legislatures ought to have recollected the Spanish proverb, which says that those who live in glass houses ought not to throw stones. Before they undertook to question the constitutional authority of Congress, they ought to have thoroughly examined the foundation upon which their own right rested. The honorable gentleman from Virginia [Mr. Giles] says that the construction which I have given to that part of the Constitution which prohibits the States from emitting bills of credit would apply equally to promissory notes given by one individual to another under the laws of a State, as to a bank bill. Permit me to inquire of that gentleman whether he ever saw a law authorizing one man to give another his promissory note? He may search the pandects of Justinian; he may turn over the leaves of the musty volumes written upon the common law, from the days of Bracton and Fleta down to the present day, and his search will be in vain. For the right to make contracts, the right to give promissory notes, is antecedent to, and independent of all municipal law. The gentleman will find laws and decisions in abundance, regulating the effect of indorsements and other collateral circumstances, and prescribing the manner of enforcing the payment of promissory notes, but he will never find a law giving the right to execute the promissory note. But it is said that the bills of credit, which the States are prohibited from emitting, must be bills of credit emitted on the credit of the State. If this distinction should be well founded, many of the State banks are still subject to the charge of unconstitutionality, because in many of them the States are directly interested, and wherever that is the case, their bank bills are bills of credit emitted on the credit of the State. But the correctness of this distinction may well be denied, because the restriction is as gen-

eral as it could possibly be made. But it is said that this restriction applies only to bills of credit which are made a legal tender in the payment of debts; that bills of credit, designated in the Constitution, are *ex vi termini* a legal tender. For the correctness of this exposition, an appeal is made to the restriction which immediately follows it, which restrains the right of the States to make anything but gold and silver a legal tender in the payment of debts. It appears to me that the latter restriction excludes most emphatically the construction contended for. If the States be prohibited from emitting bills of credit, it would have been, to say the least of it, wholly nugatory to say they should not make them a legal tender. If the bills be not emitted, it is impossible that they can be made a legal tender. To suppose that the restriction upon the right of the States to make anything but gold and silver legal tender has any connection with or influence upon the restriction to emit bills of credit is as absurd as to suppose that the Decalogue, after having declared that "thou shalt do no murder," should have added, but, if you will murder, you shall not rob and strike the dead. The construction of the restraint upon the right to make anything but gold or silver a tender is that they shall not make specific articles, as tobacco or cotton, a tender, as was the case in some of the States.

But it is said that the history of the States will show that the bills of credit specified in the Constitution were those only which were a legal tender in the payment of debts. Let us examine this point, according to the rule of construction applied to another clause in the Constitution by a large majority of both houses of Congress during the present session. Another clause in the Constitution gives Congress the power to admit new States into the Union under two limitations: 1st. That no new State shall be formed within the limits of any State without the consent of the State; and, 2d. That no new State should be formed by the junction of two or more States without the consent of such States, and also of Congress. These limitations prove that the formation of new States, within the limits of the United States, was in view of the convention at the time that this clause was adopted; and the subsequent clause, which gives Congress the power to make rules for the government of its Territories, proves that these Territories were at that moment under consideration. In addition to these reasons for believing that the framers of the

Constitution had no idea of forming new States, beyond the limits of the United States, those who were opposed to the admission of Orleans as a State contended that the history of the United States proves that the power to erect new States and admit them into the Union was intended to be confined to new States within the limits of the United States at the formation of the Constitution, and that a different construction would disparage the rights of the original States, and, of course, be a violation of the Constitution. What reply did the majority of Congress give to this train of reasoning? They said that the right to admit new States cannot be subject to any other limitations or restrictions than those which are contained in the clause which gives the right, and as there is no restriction upon the right to erect new States without the then limits of the United States, Congress has an unlimited right to erect and admit them into the Union. Let us apply the same rule of construction to the restriction of the right of the States to emit bills of credit. The restriction is a general one; it has no exceptions, and every attempt to make exceptions ought to be repelled by the answer which was given to those who opposed the right of Congress to admit the Territory of Orleans into the Union as a State. The construction I have contended for gains additional weight when we consider the restriction which immediately precedes that under consideration: "No State shall coin money, emit bills of credit, etc." Bills of credit are but the representatives of money. The Constitution gives Congress the right to coin money, and to regulate its value. It takes from the States the right to coin money and to emit bills of credit. Why give to Congress the right to coin money and regulate its value? Because the interest of the Nation requires that the current coin of the Nation should be uniform both as to its species and value. If this be the true reason why the right of coining money and fixing its value was given to Congress, does not the right to issue that which is to be the representative of this coin; which, in fact, is to usurp its place; which is to be the real currency of the Nation, necessarily belong to Congress? Does not the right to create a bank, which shall issue this representative of money, come within the same reason? I think it does.

To the fervid imagination of my friend from Kentucky [Mr. Clay], this power to create a bank appears to be more terrific than was the lever of Archimedes to the frightened imagination

of the Romans, when they beheld their galleys suddenly lifted up and whirled about in the air, and in a moment plunged into the bosom of the ocean. Are these apprehensions founded in reason, or are they the chimeras of a fervid and perturbed imagination? What limitation does the Constitution contain upon the power to lay and collect taxes, imposts, duties, and excises? None but that they shall be uniform, which is no limitation of the amount which they can lay and collect. What limitation does it contain upon the power to raise and support armies? None other than that appropriations shall not be made for a longer term than two years. What restriction is to be found in it upon the right to provide and maintain a navy? None. What upon the right to declare war and make peace? None, none. Thus the Constitution gives to the Government of the United States unlimited power over your purses — unlimited power to raise armies and provide navies — unlimited power to make war and peace, and you are alarmed; you are terrified at the power to create a bank to aid it in the management of its fiscal operations. Sir, nothing short of my most profound respect for honorable gentlemen, who have frightened themselves with this bugbear, could induce me to treat the subject seriously. Gentlemen have said that they are alarmed at the exercise of this power, and I am bound to believe them. Sir, after giving Congress the right to make war and peace; the right to impose taxes, imposts, duties, and excises, *ad libitum;* the right to raise and support armies without restriction as to number or term of service; the right to provide and maintain a navy without a limitation, I cannot bring myself to tremble at the exercise of a power incidental to only one of these tremendous grants of power.

FRANCESCO CRISPI

(1819–)

Francesco Crispi was born at Ribera, in Sicily, October 4th, 1819. He began his public career as a major under Garibaldi, with whom he served at Calatafimi in 1860, and a year later he was elected from Palermo to the first Italian Parliament. In 1876 he became President of the Chamber of Deputies, and in 1877 Minister of the Interior, an office he held for a single year. He became Prime Minister of Italy in 1887, holding the position until 1891, and again from 1893 to 1896. The Italy of his later public life has been so heavily taxed and the restrictions on the industrial and intellectual activities of its people have been so great, as a result of the attempt to keep up a display of militancy and give it a place with the "great powers," that the people have shown, from time to time, in the usual blind way in which ignorance asserts itself, their sense of the injustice they cannot define and the limitations they cannot understand. The result has been radical movements, which found in Crispi a strong Conservative opponent. More or less closely associated with the great financial and commercial interests which have succeeded the feudal nobility as the power behind the throne of European monarchy, his undoubted talents and his power as an orator, if they have not made him a heroic figure, have rendered great service to the Conservative interests, with the growing power of which, as shown through increased militancy and the substitution of the standing army for the justice-declaring spirit of civil law, he now seems most likely to be identified in Italian history.

His early sympathies with Garibaldi and his prominence in the Italian government made him the orator of the day when the Garibaldi monument was unveiled during the great fêtes of 1895. He was never a thorough sympathizer, however, either with Garibaldi or with Mazzini, and it is said that his dissent from Mazzini did much to perpetuate monarchy in Italy, preventing the establishment of the republic so many of Mazzini's followers had ardently hoped for.

AT THE UNVEILING OF GARIBALDI'S STATUE

(Delivered at Rome, September 20th, 1895)

THE twentieth of September, 1870, could not be better commemorated than by the inauguration in Rome of a monument to Garibaldi, the faithful and devoted friend of Victor Emmanuel, who in 1860 accepted the *plébiscite* in favor of the liberation of Rome. The citizens of Rome could not be the helots of unity, the slaves of cosmopolitan patriotism. Their servitude meant the restriction of the national sovereignty, which was Italy's due in mere virtue of her existence.

The day and the place remind us of the struggle against tyranny, so laborious, yet so fruitful of liberty. The years which elapsed between July 4th, 1849, and September 20th, 1870, were the last years of trial for the civil power. The Church, having shown that she was powerless to live by her own resources, had to rely upon foreign bayonets, of which she in her turn became completely the slave. It was here that on April 30th, after a bloody battle, Garibaldi repulsed the invader who, without provocation, had undertaken the barbarous mission of restoring tyranny. When hostilities were resumed, the defenders, although with right on their side, had to yield to force and await patiently the day of resurrection, the twentieth of September, 1870. . . .

The enemies of Italian unity have endeavored to prove that the present celebration is an insult to the head of the Catholic Church. Their object is to excite conscientious scruples against our country. But the common sense of the people is proof against such tricks, because we all know that Christianity is a Divine institution, which is not dependent upon earthly weapons for its existence. The religion of Christ preached by Paul and Chrysostom was able to subdue the world without the aid of temporal arms, and we cannot conceive that the Vatican should persist in wishing for temporal sovereignty to exercise its spiritual mission. The Gospel, as we all believe, is truth. If it has been disseminated by Apostolic teachings, such teachings are sufficient for its existence.

It is not really for the protection and prestige of religion that our adversaries demand the restoration of the temporal power of the Holy See, but for worldly reasons, from lust of power, and from earthly covetousness. They do not consider that temporal sovereignty cannot be saintly and above sin, that it cannot aspire

to celestial perfection in this world. Material weapons and legal violence, justified by reasons of State, should not belong to the Vicar of Christ on earth, who is to preach peace, to pray, and to pardon. Religion is not and it cannot be an affair of State. Its mission is to console believers with the hope of everlasting life, and to uphold the spirit of faith.

The Catholic Church has never enjoyed in any country so much freedom and respect as in Italy. We alone of all nations have renounced every claim to jurisdiction in ecclesiastical matters. It is a maxim of modern law that the State should have no influence in spiritual things which cannot be interfered with by the civil power without having recourse to violence. The spiritual autonomy which we protect and guarantee should be the stronghold of the Supreme Pontiff. In that stronghold he could not be assailed. Worldly matters elude his grasp, and it would be a virtue in him not to think of them. Souls are his kingdom, and he governs them so absolutely as to elicit the envy of other rulers of men. Protestant sovereigns and even princes who do not believe in Christ bow before him and reverently accept his judgments.

The Italians, by promulgating the law of May 1871, have solved a problem which seemed incapable of solution. In this country, where freedom of thought and of conscience is acknowledged, unlimited liberty has been granted to the head of the Church with reference to his sacred office and his irresponsibility and inviolability. In regard to his acts, the Pope is subject only to God, and no human potentate can reach him. He exercises a sovereign authority over all those who believe in him, and they are many millions, while he is surrounded by all the honors and privileges of royalty without the drawbacks of civil power, without the hatred, the resentment, and the penalties inseparable from such power. No earthly prince is in a similar position or on the same level. His position is unique. He has no territory to govern. Indeed, any extent of territory would be inadequate for his position, and yet all the world is subject to his spiritual empire. Were he a temporal prince his authority would be diminished, because it would be equal to that of other rulers, and he would cease to be pre-eminent. He would be exposed to continual struggles, as he has struggled for centuries to the detriment of the faith and of his spiritual authority. We have made him an independent sovereign, and as such he is superior

to all other princes. In this lies his power. He exercises his office by virtue of his authority; he corresponds with all the world; he prays; he protects, without needing protection, because the Italian kingdom is his shield. Consequently, no earthly weapon can reach him, and the outrages inflicted upon Boniface VIII. cannot be repeated.

Catholics should be grateful to Italy for the services which we have rendered to the Roman Pontiff. Before September 20th, 1870, he was obliged to bow before the princes of the earth, and concordats were concessions of divine rights made to the prejudice of the Church. It was only when relieved of his temporal dominion that Pius IX. could cope with Bismarck and make that man of iron feel the power of spiritual arms. All this is our handiwork, the work of our Parliament and our King, and we are proud of the achievement. I will say more; it was the will of God, because the Almighty willed that Italy should gather her provinces together and become an equal of other nations.

We regret to say that those who oppose this evident will of the Creator call themselves his ministers on earth, but they will not prevail, because Italy is strong and self-reliant and will crush any effort at revolution. These men will not prevail, and perhaps they may grow wiser. They are aware that so long as they keep within lawful bounds and do not infringe the law, they are inviolable. But they ought to remember that if they rebel, if they revile their country and attack our national institutions, they will lose all the benefits which they have secured by our law of guarantees, which was granted to religion and for religion, and not for the personal advantage of any man. They know, or ought to know, that by inciting others to break the law they would help Anarchism, which denies both God and King, and they would not escape punishment. . . .

SOCIALISM AND DISCONTENT

(From a Speech Occasioned by the Revolutionary Outbreaks in Sicily)

We have before us a great social problem and one that must be solved. Not the problem which agitators love to pour out before an excited mob, advocating community of goods, the abolition of trustees, the destruction of all lawful

rights of ownership. To-day the right of spoliation is being dignified to the rank of a science; but none the less when attempts are made to realize such theories as I have referred to, a close approach is made to the domain of crime.

A favorite field with the agitator is the island of Sicily, but the field is ill chosen, for there the sentiments of life and property are strongly rooted. Glance at the scenes of our recent riots and you will not be able to say that they were caused by distress. In the Province of Trapani and in the communes of Palermo, where the riots were fiercest, the conditions of the people are unusually good. There are few large estates in the district, and land is distributed in small holdings among an industrious peasantry. The outbreaks in Sicily were the result of a well-organized conspiracy and the effects would have been even more dire had not a vigilant government taken wise precautions.

The country is thickly sown with socialistic clubs, which are well known as *Fasci dei Lavoratori*. Originally they seemed to be harmless organizations created for benevolent objects. A year later, in 1892, the National Exposition was held in Palermo. Far too promising to neglect was this opportunity for disseminating pernicious doctrines, and agitators from the mainland flocked to the island and took contagion with them. From that time onward, by means of congresses and other incitements from revolutionaries who lived abroad, the real organization of the *Fasci dei Lavoratori* as revolutionary societies began. The Fasci numbered one hundred and sixty-six and had two hundred and eighty-nine thousand members. The chiefs declared that they had no trust in the labors of Parliament, but put their confidence in revolution. This was made manifest by passages in letters which had been seized.

Unpatriotic, as revolutionists of this type are sure to be, they had endeavored to come to an understanding with clerical societies in Italy and elsewhere, and of this also we have the clearest proof. Finally, a meeting was held in Marseilles, and there it was decided that the "New Garibaldi of Anarchy" should go to Palermo.

It had been determined to rise in insurrection about the middle of February, but fearing that the government had been warned it was decided to anticipate the date originally fixed and there was a Fourth of April in which neither the "New Garibaldi" nor any of his friends took any part. The peasants had

been promised that during this year lands would be divided evenly among them, and the conspirators had planned to bring about a war by the help of Russia to which country it was intended to cede a port.

If you would understand the character of the movement, listen to this proclamation published in one commune. It describes the working classes as "Children of the Vespers," and closes with these words:—

"Do you sleep? Hasten to the prison to rescue your brethren. Death to the King. Death to employers. Down with taxes. Burn the mayoralty. Burn the Civilians' Club. Long live the Fascio. When the bells ring let us rush to the castle, for all is ready for liberty. Listen for the signal."

In the province of Massa Carrara the revolution burst forth in its worst forms. There as in Sicily martial law had to be proclaimed. . . .

The conditions in Sicily are precisely the same as those in the balance of Italy and the social laws which apply to the working classes on the mainland must apply to those on the island. The resources of Sicily are so great that the government desires to make use of them in repurchasing the *latifundia*, which it would divide among the people and so put an end to the injustices of the communal administrations, especially in regard to tithes. Concerning this we propose to ask for a magistrate specially detailed to readjust the rates.

Italy must consolidate and fortify herself, and for this, time and labor are still necessary. I ask you, therefore, to follow me in my program. Let us cleave to the King—the symbol of unity, the ark of salvation. I say now as I said in 1864, that the Monarchy alone guarantees unity and the future of the country. With this faith, which is the faith of the country, we must ward off dangers, oppose internal and external enemies, and carry Italy to the greatness to which we have aspired and without which she cannot exist.

JOHN JORDAN CRITTENDEN

(1787–1863)

JOHN J. CRITTENDEN represented, from 1850 to his death in 1863, the strong Union sentiment of the border States. He ranks with B. Gratz Brown and Frank P. Blair among the leaders of the determined band of Unionists who prevented Kentucky and Missouri from following their natural bent towards the Confederacy. His instincts, however, like those of Henry Clay, were conservative, and by the Crittenden Compromise of 1860–61, as well as by his work in the Peace Commission of 1861, which he was largely instrumental in organizing, he labored ineffectually to bring about reconciliation between the opposing sections. He was born in Woodford County, Kentucky, September 10th, 1787. A graduate of William and Mary College, he made a military record during the War of 1812, and thereafter held his position in public life securely until his death, July 26th, 1863. He was elected to the Kentucky legislature in 1816, and in 1817 was promoted to the United States Senate. He was Attorney-General under Harrison and Tyler, and in 1842 was again elected to the Senate. From 1848 to 1850 he served as Governor of Kentucky, leaving that office to become Attorney-General in the Cabinet of President Fillmore. Returning once more to the Senate in 1855, he served until 1861, when, the Whig party being now completely disorganized, he was elected a Member of the House of Representatives as a Unionist. His eulogy of Henry Clay is generally presented as the most representative of his many striking public speeches, but it scarcely equals, either in the dignity or the force of its eloquence, his speech of February 15th, 1859, delivered in the Senate, against the proposed acquisition of Cuba.

HENRY CLAY AND THE NINETEENTH-CENTURY SPIRIT

(Delivered in 1852)

I AM to address you in commemoration of the public services of Henry Clay, and in celebration of his obsequies. His death filled his whole country with mourning, and the loss of no citizen, save the Father of his Country, has ever produced such manifestations of the grief and homage of the public heart. His

history has indeed been read "in a nation's eyes." A nation's tears proclaim, with their silent eloquence, its sense of the national loss. Kentucky has more than a common share in this national bereavement. To her it is a domestic grief;—to her belongs the sad privilege of being the chief mourner. He was her favorite son, her pride, and her glory. She mourns for him as a mother. But let her not mourn as those who have no hope nor consolation. She can find the richest and noblest solace in the memory of her son, and of his great and good actions; and his fame will come back, like a comforter, from his grave, to wipe away her tears. Even while she weeps for him, her tears shall be mingled with the proud feelings of triumph which his name will inspire; and Old Kentucky, from the depths of her affectionate and heroic heart, shall exclaim, like the Duke of Ormond, when informed that his brave son had fallen in battle, "I would not exchange my dead son for any living son in Christendom." From these same abundant sources we may hope that the widowed partner of his life, who now sits in sadness at Ashland, will derive some pleasing consolations. I presume not to offer any words of comfort of my own. Her grief is too sacred to permit me to use that privilege.

Henry Clay lived in a most eventful period, and the history of his life for forty years has been literally that of his country. He was so identified with the Government for more than two-thirds of its existence, that, during that time, hardly any act which has redounded to its honor, its prosperity, or its present rank among the nations of the earth, can be spoken of without calling to mind involuntarily the lineaments of his noble person. It would be difficult to determine whether in peace or in war, in the field of legislation or of diplomacy, in the springtide of his life or in its golden ebb, he won the highest honor. It can be no disparagement to any one of his contemporaries to say that, in all the points of practical statesmanship, he encountered no superior in any of the employments which his constituents or his country conferred upon him.

Henry Clay was indebted to no adventitious circumstances for the success and glory of his life. Sprung from a humble stock, "he was fashioned to much honor from his cradle"; and he achieved it by the noble use of the means which God and Nature had given him. He was no scholar, and had none of the advantages of collegiate education. But there was a "divinity that

stirred within him." He was a man of a genius mighty enough to supply all the defects of education. By its keen, penetrating observation, its quick apprehension, its comprehensive and quick conception, he gathered knowledge without the study of books;—he could draw it from the fountain head,—pure and undefiled; it was unborrowed; the acquisition of his own observation, reflection, and experiences, and all his own. It entered into the composition of the man, forming part of his mind, and strengthening and preparing him for all those great scenes of intellectual exertion or controversy in which his life was spent. His armor was always on, and he was ever ready for the battle.

This mighty genius was accompanied, in him, by all the qualities necessary to sustain its action, and to make it most irresistible. His person was tall and commanding, and his demeanor—

> "Lofty and sour to them that loved him not;
> But to those men that sought him, sweet as summer."

He was direct and honest, ardent and fearless, prompt to form his opinions, always bold in their avowal, and sometimes impetuous, or even rash, in their vindication. In the performance of his duties he feared no responsibility. He scorned all evasion or untruth. No pale thought ever troubled his decisive mind.

"Be just and fear not" was the sentiment of his heart and the principle of his action. It regulated his conduct in private and public life; all the ends he aimed at were his country's, his God's, and truth's.

Such was Henry Clay, and such were his talents, his qualities, and objects. Nothing but success and honor could attend such a character. For nearly half a century he was an informing spirit, a brilliant and heroic figure in our political sphere, marshaling our country in the way she ought to go. The "bright track of his fiery car" may be traced through the whole space over which, in his day, his country and its Government have passed in the way to greatness and renown. It will still point the way to further greatness and renown.

The great objects of his public life were to preserve and strengthen the Union; to maintain the Constitution and laws of the United States; to cherish industry; to protect labor; and to facilitate, by all proper national improvements, the communication between all parts of our widely extended country. This

was his American system of policy. With inflexible patriotism he pursued and advocated it to his end. He was every inch an American. His heart, and all there was of him, were devoted to his country, to its liberty, and its free institutions. He inherited the spirit of the Revolution, in the midst of which he was born; and the love of liberty, and the pride of freedom were in him principles of action.

A remarkable trait in the character of Mr. Clay was his inflexibility in defending the public interest against all schemes for its detriment. His exertions were, indeed, so steadily employed and so often successful in protecting the public against the injurious designs of visionary politicians or party demagogues, that he may be almost said to have been, during forty years, the guardian angel of his country. He never would compromise the public interest for anybody, or for any personal advantage to himself.

He was the advocate of liberty throughout the world, and his voice of cheer was raised in behalf of every people who struggled for freedom. Greece, awakened from a long sleep of servitude, heard his voice, and was reminded of her own Demosthenes. South America, too, in her struggle for independence, heard his brave words of encouragement, and her fainting heart was animated and her arm made strong.

Henry Clay is the fair representative of the age in which he lived; an age which forms the greatest and brightest era in the history of man; an age teeming with new discoveries and developments, extending in all directions the limits of human knowledge,—exploring the agencies and elements of the physical world, and turning and subjugating them to the uses of man,—unfolding and establishing, practically, the great principles of popular rights and free government, and which, nothing doubting, nothing fearing, still advances in majesty, aspiring to and demanding further improvement and further amelioration of the condition of mankind.

With the chivalrous and benignant spirit of this great era Henry Clay was thoroughly imbued. He was, indeed, molded by it and made in its own image. That spirit, be it remembered, was not one of licentiousness, or turbulence, or blind innovation. It was a wise spirit, good and honest as it was resolute and brave; and truth and justice were its companions and guides.

These noble qualities of truth and justice were conspicuous in the whole public life of Henry Clay. On that solid foundation he stood erect and fearless; and when the storms of state beat around and threatened to overwhelm him his exclamation was still heard, "Truth is mighty, and public justice certain." What a magnificent and heroic figure does Henry Clay here present to the world! We can but stand before and look upon it in silent reverence. His appeal was not in vain;—the passions of party subsided, truth and justice resumed their sway, and his generous countrymen repaid him for all the wrong they had done him, with gratitude, affection, and admiration in his life, and tears in his death.

It has been objected to Henry Clay that he was ambitious. So he was. But in him ambition was virtue. It sought only the proper, fair objects of honorable ambition, and it sought these by honorable means only,—by so serving the country as to deserve its favors and its honors. If he sought office, it was for the purpose of enabling him, by the power it would give, to serve his country more effectually and pre-eminently; and, if he expected and desired thereby to advance his own fame, who will say that was a fault? Who will say that it was a fault to seek and desire office for any of the personal gratifications it may afford, so long as those gratifications are made subordinate to the public good?

That Henry Clay's object in desiring office was to serve his country, and that he made all other considerations subservient, I have no doubt. I knew him well,—I had full opportunity of observing him in his most unguarded moments and conversation,—and I can say that I have never known a more unselfish, a more faithful or intrepid representative of the people, of the people's rights, and the people's interests, than Henry Clay.

It was most fortunate for Kentucky to have such a representative, and most fortunate for him to have such a constituent as Kentucky; fortunate for him to have been thrown, in the early and susceptible period of his life, into the primitive society of her bold and free people. As one of her children, I am pleased to think that from that source he derived some of that magnanimity and energy which his after life so signally displayed. I am pleased to think that mingling with all his great qualities there was a sort of Kentuckyism (I shall not undertake to define it), which, though it may not have polished or refined,

gave to them additional point and power, and free scope of action.

You all know Mr. Clay; your knowledge and recollection of him will present him more vividly to your minds than any picture I can draw of him. This I will add,—he was in the highest, truest sense of the term, a great man, and we shall never look upon his like again. He has gone to join the mighty dead in another and better world. How little is there of such a man that can die! His fame, the memory of his benefactions, the lessons of his wisdom, all remain with us,—over these death has no power.

How few of the great of this world have been so fortunate as he! How few of them have lived to see their labors so rewarded! He lived to see the country that he loved and served advanced to great prosperity and renown, and still advancing. He lived till every prejudice which at any period of his life had existed against him was removed, and until he had become the object of the reverence, love, and gratitude of his whole country. His work seemed then to be completed, and fate could not have selected a happier moment to remove him from the troubles and vicissitudes of this life.

Glorious as his life was, there was nothing that became him like the leaving of it. I saw him frequently during the slow and lingering disease which terminated his life. He was conscious of his approaching end, and prepared to meet it with all the resignation and fortitude of a Christian hero. He was all patience, meekness, and gentleness; these shone round him like a mild, celestial light, breaking upon him from another world—

> "And to add greater honors to his age
> Than man can give, he died in fear of God."

AGAINST WARRING ON THE WEAK

(From a Speech in the Senate, February 15th, 1859, on the Proposed Acquisition of Cuba)

It was once the great policy of this Government to preserve amity and the kindest relations with all the States of North and South America; and we succeeded. A noble course of policy it was. I was here when they were springing into independence—emerging from that Spanish despotism into which they

had been immersed for so many ages. I remember the sensibility and the sympathy with which we all regarded the struggles going on in South America; and, as a Kentuckian, I remember with especial pride that it was the trumpet-toned voice of Henry Clay that led on this great subject of American policy and American sympathy. In South America, at that early day, nothing was so much cherished; and the speeches of Henry Clay in their behalf, proffering peace and friendship and kindness to them, and encouragement in their efforts, were read at the head of their armies, and hailed with shouts and enthusiasm. They came into the world as free nations, as it were, under our auspices; hailed, cheered on, and encouraged, by the voice of America. All their eyes were turned on us; we were an exemplar to them. What has become of that feeling? Where is it, you rulers of our people, where is it? or how is it that you have lost all these good feelings on their part? The good-will of a whole continent is a mighty fund of national strength; and we have lost it. The nations of South America were striving to establish such liberty as we had established; striving to connect themselves with us by all those bonds which unite republics, to take our stand against the great European world, and the great European system. That was the object of this policy.

At the close of the great wars of Europe, when Spain solicited assistance to resubjugate her South American colonies, when their menacing reached the ears of the rulers of this country, what was done? It was the mightiest question that had been presented to the world in this century — whether South America should be Europeanized and fall under the European system of government and policy, or whether it should be Americanized according to the American system of republics. What a mighty question was it! By kindness, by encouragement, by offers of unlimited kindness and protection, we won their hearts, and they fell into our system. They gave us all their sympathy; but now, where has it gone? Read the last message of the President, and consider the troubled state of our relations with these States which it depicts. There is not a state where we do not find enemies, where our citizens are free from violence, where their property is not taken from them. It seems that the persons and property of our citizens are exposed continually to daily violence in every State of South America with which we have relations. It is so, too, in Mexico and Guatemala and Costa Rica and the various States of Central America.

How has it been that this state of things has been brought about? How has it been that we have lost that mighty acquisition, — an acquisition, not of territory, but an acquisition of the hearts of men; an acquisition of the hearts of nations, ready to follow our lead; to stand by us in a common cause, to fight the world, if it were necessary? That great golden chain that bound freemen together from one end of the North to the end of the South American continent has been broken in a thousand pieces; and the message tells us the sad tale that we are everywhere treated with enmity and hostility, and that it is necessary for us to avenge it. We are gathering up little accounts with these nations; we are making quarrels with them. They have done some wrong; practiced some enmity against our citizens; taken some property that they ought not to have taken; and, besides, we have claims against them. From the Feejee Islands to the Spanish throne, we have demands to be urged; and I think we are coming to a very summary process of collection, where no congress is to sit to examine into the *casus belli*, but a ship of war, better than all the constables in the world, is to go around collecting, from the cannibals and others, whatever she is commissioned to say is due to us.

What peace can we have, what good-will can we have among men, if we are to depart from the noble course which governed our forefathers, who had no quarrels but those which they could make a fight out of, and ought to have made a fight out of, directly and at once, and be done with them? Do all these little clouds or specks of war that darken our horizon promise additional prosperity, or an increase of revenue to meet our debts? No, sir. If they portray anything, they portray the contrary — increased expenditures; for however summary your collections, however summarily you take vengeance on other nations, it costs always, and it will cost, a good deal. Fighting is an expensive luxury; luxury it may be considered, but there is cost in it. . . .

Here, in view of all this, we propose to let the President make war as he pleases. The Constitution says the Congress of the United States shall have the power to make war. Has anybody else the power to make war but we and the House of Representatives? Is it a little inferior jurisdiction that we can transfer and delegate to others? Did the Constitution intend that the President should exercise it? No; it gave it to us, and in the

balance of powers just as much denied it to the President as it gave it to us. We subvert the whole system of our Government; the whole constitutional framework of it is a wreck, if you take this most dangerous and most important of all powers and put it in the hands of the President of the United States. Can you abdicate this power which the people have given you as their trustees? You cannot do it. Does not this bill do it?

To be sure, it will be observed that the right of summary redress is limited to weak States. There seems to be some saving understanding upon the part of the framers of this policy that it would not be applicable to large States. Some trouble, some resistance, might be anticipated from them; but you can safely thunder it over the heads of these poor little South American States; you can make them tremble; you can settle the accounts, and make them pay your own balances. Sir, what sort of heroism is that for your country and my country, to triumph over the small and the weak? The bill on which I am commenting does not suppose that war is to require formal debate, but proposes, whenever it shall be made to appear to the President that an American citizen, in any of these countries, has been the subject of violence or depredation in his property, to allow the President, at his *ipse dixit*, to make war. Unheard, unquestioned, at once the will of a single man is to let loose the dogs of war against these small, weak nations. It is a violation of the spirit of the Constitution; and, besides, there is a pettiness about it that does not belong to our country. Surely it was in a thoughtless moment that the President intimated the necessity of such a measure, or that it was introduced into the Senate. There is nothing in it that can stand investigation. It is not more uncongenial to the Constitution of the United States than it is, I trust, to the magnanimous character of my countrymen, that they should be willing to hunt out the little and the weak and chastise them, and let the great go free, or leave them to the ordinary solemn course of proceeding, by treaty or by congressional legislation. No, sir; far better is the maxim of the old Roman — *debellare superbos*, to put down the proud.

DAVID CROCKETT

(1786–1836)

EDUCATED and refined Americans of David Crockett's day refused to take him seriously, and it was only by dying in the angle of the Alamo, among the last of its defenders, that he escaped being remembered, if remembered at all, merely as a representative of the humor of the backwoods. He was a type of an uncultured but strong and persistent Americanism, which has done more, perhaps, than culture itself to give the country its possibilities of greatness. He won prominence among the backwoodsmen of what was then the West, by his fluency of speech and his humor. Sent to Congress as a representative of the West Tennessee District, he attracted immediate notice by his strong individuality and the raciness of his stories, — many of them the kind Lincoln loved so well. He was made much of in a semi-humorous way, until being at bottom entirely serious, he declined to be taken as a joke. Insisting on standing by his convictions, even against Andrew Jackson, he won much reputation and popularity in New England, where Jackson was then intensely unpopular. Unfortunately for his usefulness as a Tennessee Congressman, the New England view did not prevail with a majority of his constituents and he was retired from office. He left Tennessee disheartened, determined to make himself a new career in Texas. Finding the Alamo beleagured by an overwhelming force of Mexicans, he managed, nevertheless, to make his way into the fort, where a few days later he was killed with the other riflemen whose courage and extraordinary marksmanship made the defense of the fort forever memorable. He was born at Limestone, Tennessee, August 17th, 1786. He served in Congress from 1827 to 1831 and from 1833 to 1835. His autobiography published in 1834 seems likely to keep a permanent place in American literature. His speech on the Buffalo and New Orleans Road Bill, reported by Benton, is characteristic, and it may be accepted as a sufficient illustration of his efforts at serious statesmanship.

Crockett approximates the perfect type of those pioneer stump-speakers whose rude eloquence had so much to do with making American history before the era of railroads and telegraphs; and being thus typical his place in the history of oratory is secure.

A RACCOON IN A BAG

(Delivered in March 1830 Before a Committee of the House of Representatives in Support of an Amendment to the Buffalo and New Orleans Road Bill)

WHEN I consider the few opportunities which I have had to obtain information on this important topic, I shrink at the idea of addressing so intelligent a body as this upon matters relating to it. My lips would be sealed in silence, were I not fully convinced that there has been in some instances a partial and improper legislation resorted to during the present session. I was elected from the Western District of Tennessee after declaring myself a friend to this measure; and I came here quite hot for the road — yes, the fever was upon me; but I confess I am getting quite cool on the subject of expending money for the gratification of certain gentlemen who happen to have different views from those I entertain. Let us inquire where this money comes from. It will be found that even our poor citizens have to contribute towards the supply. I have not forgotten how I first found my way to this House; I pledged myself to the good people who sent me here that I would oppose certain tariff measures, and strive to remove the duties upon salt, sugar, coffee, and other articles, which the poor as well as the rich are from necessity compelled to consume. The duties on these articles are felt to be oppressive by my fellow-citizens; and as long as I can raise my voice I will oppose the odious system which sanctions them.

Those who sustain the Government and furnish the means, have, by the illiberality of their servants, been kept in ignorance of the true cause of some of their sufferings. These servants, after the people intrust them with their confidence, too often forget the interest of their employers and are led away by some designing gentlemen, who, to gratify some wild notion, are almost willing to enslave the poorer class at least. I am one of those who are called self-taught men; by the kindness of my neighbors and some exertion of my own, I have been raised from obscurity without an education. I am therefore compelled to address the committee in the language of a farmer, which I hope will be understood. I do not mean to oppose internal improvements — my votes on that subject will show that I am an internal im-

provement man, though I cannot go, as the Kentuckian said, "the whole hog." I will only go as far as the situation of the country will admit — so far as not to oppress. I will not say that I will vote against the bill under all circumstances, yet at this moment I consider it a wild notion to carry the road to the extent contemplated, from Buffalo to this city, and from this to New Orleans. . . . I am astonished that certain of our Eastern friends have become so kind to us. They are quite willing to aid in distributing a portion of the national funds among us of the West. This was not so once. And if I am not deceived their present kindness is merely a bait to cover the hook which is intended to haul in the Western and Southern people; and when we are hooked over the barb we will have to yield. Their policy reminds me of a certain man in the State of Ohio, who, having caught a raccoon, placed it in a bag, and as he was on his way home he met a neighbor who was anxious to know what he had in his bag. He was told to put his hand in and feel, and in doing so he was bit through the fingers; he then asked what it was and was told that it was "only a bite." I fear that our good Eastern friends have a hook and a bite for us; and if we are once fastened, it will close the concern. We may then despair of paying the national debt; we may bid farewell to all other internal improvements; and, finally, we may bid farewell to all hopes of ever reducing duties on anything. This is honestly my opinion; and again I say I cannot consent to "go the whole hog." But I will go as far as Memphis. There let this great road strike the Mississippi where the steamboats are passing every hour in the day and night; where you can board a steamboat and in seven or eight days go to New Orleans and back; where there is no obstruction at any time of the year. I would thank any man to show this committee the use of a road which will run parallel with the Mississippi for five or six hundred miles. Will any man say that the road would be preferred to the river either for transportation or traveling? No, sir. Then, is not your project useless, and will it not prove an improper expenditure of the public funds to attempt to carry the road beyond Memphis?

OLIVER CROMWELL

(1599–1658)

ARLYLE says that Cromwell's speeches «excel human belief,» in their unlikeness to all other speeches, in their utter disregard of all standards of oratory and logical sequence of thought. Some of them are certainly worthy to be called, as they have been called, «agglomerations of opaque confusions; of darkness on the back of darkness,» when they are judged by our standards; but the time was when they had as much weight in England as the most polished orations of Demosthenes had in Athens. Unlike anything else in the history of oratory, they represent a time and mode of thought unlike anything else in the history of the world. The Cromwelian Puritan, Carlyle says, represents «a practical world based on belief in God.» . . . «Our ancient Puritan reformers,» he writes, «were,—as all reformers that will ever much benefit the earth are always, inspired by a heavenly purpose. To see God's own law, then, universally acknowledged for complete as it stood in the Holy Written Book, made good in this world; to see this, or the true unwearied aim and struggle towards this, was a thing worth living for and dying for. Eternal justice, that God's will be done on earth as it is in heaven—corollaries enough will flow from that, if that there be; if that be not there, no corollary good for much will flow. It was the general spirit of England in the seventeenth century. In other somewhat sadly disfigured form, we have seen the same immortal hope take practical form in the French Revolution and once more astonish the world.»

This may be accepted as a correct characterization of Puritan eloquence in general, but those who read Cromwell's speech in reply to Whitlocke and the Committee of '99, when they offered him the crown, will readily understand that heroes are not always heroic. As a matter of fact, this speech, while it is one of the most characteristic Cromwell ever delivered, carefully refrains from announcing a definite conclusion, and is characteristic of Cromwell's great strength of intellect only in the skill with which he refrains from committing himself to any obligation which would have limited the absolute power he then exercised as Lord-Protector. Preferring the substance of power to its dignity, and remembering that he was in power himself but as a representative of the popular protest against royal

prerogatives, he finally refused the crown and kept his historical consistency. As a speaker he is marvelous in his incomprehensibility. It is impossible to believe the assertions made by his enemies, that his speeches are the mere outpourings of an intellect in many respects radically disordered, but it does appear that he speaks extemporaneously with the utmost fluency without any idea of consistency of statement, or of the cohesiveness of thought which should have existed between the different parts of his speeches. His sentences are apt to grow interminable and he frequently despairs of completing them and wisely abandons them without even waiting to come to a semicolon. It has been pointed out that among modern speakers Bismarck shows the same mental bent towards involved utterances, but never fails to extricate himself, even where escape from the involutions of his extemporaneous style has grown seemingly impossible. Cromwell, trained as a soldier to force his way by main strength, ceases to rely on mere skill when it does not serve his purpose. When a sentence does not suit him, instead of attempting to mend it, he abandons it and begins afresh, appearing to speak simply from the suggestion of unco-ordinated ideas as they come into his mind, without making any great effort to control them. How such a style was possible for a great soldier who could marshal men as Cromwell did, it is not easy to imagine, but it is certain enough that only a Cromwell could afford to venture on it in any deliberative body of English-speaking people.

DEBATING WHETHER OR NOT TO BECOME KING OF ENGLAND

(From the Speech Delivered Monday, April 13th, 1657, at Whitehall, Before the Committee of Ninety-Nine, Addressing Whitlocke as Reporter of the Committee)

My Lord:—

I THINK I have a very hard task on my hand. Though it be but to give an account of myself, yet I see I am beset on all hands here. I say, but to give an account of myself: yet that is a business very comprehensive of others;—comprehending us all in some sense, and, as the Parliament have been pleased to shape it, comprehending all the interests of these three nations!

I confess I have two things in view. The first is, to return some answer to what was so well and ably said the other day on behalf of the Parliament's putting that title in the instrument

of settlement. I hope it will not be expected I should answer everything that was then said, because I suppose the main things that were spoken were arguments from ancient constitutions and settlements by the laws, in which I am sure I could never be well skilled,— and therefore must the more ask pardon for what I have already transgressed in speaking of such matters, or shall now transgress, through my ignorance of them, in my present answer to you.

Your arguments, which I say were chiefly upon the law, seem to carry with them a great deal of necessary conclusiveness to enforce that one thing of kingship. And if your arguments come upon me to enforce upon me the ground of necessity,— why, then, I have no room to answer, for what must be must be! And therefore I did reckon it much of my business to consider whether there were such a necessity, or would arise such a necessity, from those arguments. It was said: "Kingship is not a title, but an office, so interwoven with the fundamental laws of this nation that they cannot, or cannot well, be executed and exercised without it,— partly, if I may say so, upon a supposed ignorance which the law hath of any other title. It knows no other; neither doth any know another. And, by reciprocation,— this said title, or name, or office, you were further pleased to say, is understood; in the dimensions of it, in the power and prerogatives of it, which are by the law made certain, and the law can tell when it keeps within compass and when it exceeds its limits. And the law knowing this, the people can know it also. And the people do love what they know. And it will neither be *pro salute populi*, nor for our safety, to obtrude upon the people what they do not nor cannot understand.

It was said also "that the people have always, by their representatives in Parliament, been unwilling to vary names,— seeing they love settlement and known names, as was said before." And there were two good instances given of that: the one, in King James's time, about his desire to alter somewhat of the title; and the other in the Long Parliament, where they being otherwise, rationally moved to adopt the word "Representative" instead of "Parliament," refused it for the same reason. It was said, also, that "the holding to this word doth strengthen the new settlement; and hereby there is not anything *de novo* done, but merely things are revolved into their old current." It was said that "it is the security of the Chief Magistrate, and

that it secures all who act under him." Truly these are the principal of those grounds that were offered the other day, so far as I do recollect.

I cannot take upon me to repel those grounds; they are so strong and rational. But if I am to be able to make any answer to them, I must not grant that they are necessarily conclusive; I must take them only as arguments which perhaps have in them much conveniency, much probability towards conclusiveness. For if a remedy or expedient may be found, they are not of necessity, they are not inevitable grounds: and if not necessary or concluding grounds, why, then, they will hang upon the reason of expediency or conveniency. And if so, I shall have a little liberty to speak; otherwise, I am concluded before I speak. Therefore, it will behoove me to say what I can, why these are not necessary reasons; why they are not — why it is not (I should say) so interwoven in the laws but that the laws may still be executed as justly, and as much to the satisfaction of the people, and answering all objections equally well, without such a title as with it. And then, when I have done that, I shall only take the liberty to say a word or two for my own grounds. And when I have said what I can say as to that latter point, I hope you will think a great deal more than I say.

Truly though Kingship be not a mere title, but the name of an office which runs through the whole of the law, yet it is not so *ratione nominis*, by reason of the name, but by reason of what the name signifies. It is a name of office plainly implying a supreme authority: is it more; or can it be stretched to more? I say, it is a name of office plainly implying the supreme authority; and if so, why, then, I should suppose,—I am not peremptory in anything that is matter of deduction or inference of my own,— but I should suppose that whatsoever name hath been or shall be the name under which the supreme authority acts,— why, I say, if it had been those four or five letters, or whatever else it had been, that signification goes to the thing, certainly it does; and not to the name. Why, then, there can no more be said but this: As such a title hath been fixed, so it may be unfixed. And certainly in the right of the authority, I mean the legislative power,— in the right of the legislative power, I think the authority that could christen it with such a name could have called it by another name. Therefore the name is only derived from that authority. And certainly they, the primary legislative authority, had the disposal of it, and might

have detracted from it, changed it:—and I hope it will be no offense to say to you, as the case now stands, So may you. And if it be so that you may, why, then, I say, there is nothing of necessity in your argument; and all turns on consideration of the expedience of it.

Truly I had rather, if I were to choose, if it were the original question,—which I hope is altogether out of the question,—I had rather have any name from this Parliament than any other name without it: so much do I value the authority of the Parliament. And I believe all men are of my mind in that; I believe the Nation is very much of my mind,—though it be an uncertain way of arguing, what mind they are of. I think we may say it without offense; for I would give none! Though the Parliament be the truest way to know what the mind of the Nation is, yet if the Parliament will be pleased to give me a liberty to reason for myself, and if that be one of your arguments, I hope I may urge against it that the reason of my own mind is not quite to that effect. But I do say undoubtingly, what the Parliament settles is what will run, and have currency, through the law; and will lead the thread of government through this land equally well as what hath been. For I consider that what hath been was upon the same account, by the same authority. Save that there hath been some long continuance of the thing, it is but upon the same account! It had its original somewhere! And it was with consent of the whole,—there is the original of it. And consent of the whole will still, I say, be the needle that will lead the thread through all; and I think no man will pretend right against it, or wrong!

And if so, then, under favor to me, I think these arguments from the law are all not as of necessity, but are to be understood as of conveniency. It is in your power to dispose and settle; and beforehand we can have confidence that what you do settle will be as authentic as the things that were of old,—especially as this individual thing, the name or title,—according to the Parliament's appointment. Is not this so? It is question not of necessity; we have power to settle it as conveniency directs. Why, then, there will (with leave) be way made for me to offer a reason or two to the other considerations you adduced; otherwise, I say my mouth is stopped!

There are very many enforcements to carry on this thing. But I suppose it will have to stand on its expediency. Truly I should have urged one consideration more which I forgot,—

namely, the argument not of reason only, but of experience. It is a short one, but it is a true one, and is known to you all in the fact of it. That the supreme authority going by another name and under another title than that of King hath been, why, it hath been already twice complied with! Twice: under the *Custodes Libertatis Angliæ*, and also since I exercised the place it hath been complied with. And truly I may say that almost universal obedience hath been given by all ranks and sorts of men to both. Now this, on the part of both these authorities, was a beginning with the highest degree of magistracy at the first alteration; and at a time when that Kingship was the name established; and the new name, though it was the name of an invisible thing, the very name I say was obeyed, did pass current, was received and did carry on the justice of the nation. I remember very well my lords the judges were somewhat startled; yet upon consideration,—if I mistake not,—I believe so,—they, there being among them as able and as learned as have sat there,—though they did, I confess, at first demur a little,—they did receive satisfaction, and did act, as I said before. And as for my own part, I profess I think I may say since the beginning of that change,—though I should be loath to speak anything vainly,—but since the beginning of that change to this day, I do not think there hath been a freer procedure of the laws, not even in those years called, and not unworthily, the "Halcyon Days of Peace," from the Twentieth of Elizabeth to King James's and King Charles's time. I do not think but the laws have proceeded with as much freedom and justice, and with less of private solicitation, since I came to the Government as they did in those years so named "Halcyon." I do not think, under favor, that the laws had a freer exercise, more uninterrupted by any hand of power, in those years than now; or that the judge has been less solicited by letters or private interpositions either of my own or other men's, in double so many years in all those times named "of peace!" And if more of 'my lords the judges were here than now are, they could tell us perhaps somewhat further. And, therefore, I say under favor: These two experiences do manifestly show that it is not a title, though never so interwoven with our laws, that makes the law to have its free passage and to do its office without interruption (as we venture to think it is now doing); and if a Parliament shall determine that another name run through the laws, I believe it will run

with as free a passage as this of King ever did. Which is all I have to say upon that head. . . .

I will now say something for myself. As for my own mind, I do profess it, I am not a man scrupulous about words, or names, or such things. I have not hitherto clear direction, but as I have the word of God, and I hope shall ever have, for the rule of my conscience, for my information and direction, so truly, if men have been led into dark paths through the providence and dispensations of God — why surely it is not to be objected to a man. For who can love to walk in the dark? But Providence doth often so dispose. And though a man may impute his own folly and blindness to Providence sinfully, yet this must be at a man's own peril. The case may be that it is the providence of God that doth lead men in darkness! I must needs say I have had a great deal of experience of providence; and though such experience is no rule without or against the Word, yet it is a very good expositor of the Word in many cases.

Truly the providence of God hath laid aside this title of King providentially *de facto:* and that not by sudden humor or passion; but it hath been by issue of as great deliberation as ever was in a Nation. It hath been by issue of ten or twelve years civil war, wherein much blood hath been shed. I will not dispute the justice of it when it was done, nor need I tell you what my opinion is in the case were it *de novo* to be done. But if it be at all disputable, and a man come and find that God in his severity hath not only eradicated a whole family, and thrust them out of the land, for reasons best known to himself, but also hath made the issue and close of that to be the very eradication of a name or title —! Which *de facto* is the case. It was not done by me, nor by them that tendered me the Government I now act in; it was done by the Long Parliament,— that was it. And God hath seemed providential, not only in striking at the family, but at the name. And, as I said before, it is blotted out: it is a thing cast out by an act of Parliament; it hath been kept out to this day. And as Jude saith, in another case, speaking of abominable sins that should be in the latter times,— he doth further say, when he comes to exhort the Saints, he tells them they should "hate even the garments spotted with the flesh."

I beseech you think not that I bring this as an argument to prove anything. God hath seemed so to deal with the persons

and the family that he blasted the very title. And you know when a man comes, *a parte post*, to reflect, and see this done, this title laid in the dust,—I confess I can come to no other conclusion. The like of this may make a strong impression upon such weak men as I am;—and perhaps upon weaker men (if there be any such) it will make a stronger. I will not seek to set up that which Providence hath destroyed and laid in the dust; I would not build Jericho again! And this is somewhat to me, and to my judgment and my conscience. This, in truth, it is this that hath an awe upon my spirit. And I must confess, as the times are,—they are very fickle, very uncertain, nay God knows you had need have a great deal of faith to strengthen you in your work, you had need look at settlement!—I would rather I were in my grave than hinder you in anything that may be for settlement of the Nation. For the Nation needs it, never needed it more! And therefore, out of the love and honor I bear you, I am forever bound, whatever becomes of me, to do what is best for that;—and I am forever bound to acknowledge you have dealt most honorably and worthily with me, and lovingly, and have had respect for one who deserves nothing.

Indeed, out of the love and faithfulness I bear you, and out of the sense I have of the difficulty of your work, I would not have you lose any help that may serve you, that may stand in stead to you. I would willingly be a sacrifice, that there might be, so long as God shall please to let this Parliament sit, a harmony, and better and good understanding between all of you. And,—whatever any man may think,—it equally concerns one of us as another to go on to settlement: and where I meet with any that is of another mind, indeed I could almost curse him in my heart. And therefore, to deal heartily and freely I would have you lose nothing that may stand you in stead in this way. I would advise, if there be found any of a froward, unmannerly or womanish spirit,—I would not that you should lose them! I would not that you should lose any servant or friend who might help in this work; that any such should be offended by a thing that signifies no more to me than I have told you it does. That is to say: I do not think the thing necessary; I do not. I would not that you should lose a friend for it. If I could help you to many friends, and multiply myself into many, that would be to serve you in regard to settlement! And therefore I would not that any, especially any of these who

indeed, perhaps, are men that do think themselves engaged to continue with you, and to serve you, should be anywise disobliged from you.

I have now no more to say. The truth is, I did indicate this as my conclusion to you at the first, when I told you what method I would speak to you in. I may say that I cannot, with conveniency to myself, nor good to this service which I wish so well to, speak out all my arguments as to the safety of your proposal, as to its tendency to the effectual carrying on of this work. I say I do not think it fit to use all the thoughts I have in my mind as to that point of safety. But I shall pray to God Almighty that he would direct you to do what is according to his will. And this is that poor account I am able to give of myself in this thing.*

*The text of the speech here given is that edited by Carlyle, except that his peculiarities of capitalization and punctuation have not been followed.

SIR JOHN CULPEPER

(?–1660)

AMONG the remarkable speeches reported by John Nalson in his 'Impartial Collection of Great Affairs of State' (London 1682), perhaps the most remarkable is that in which Sir John Culpeper (afterwards Lord Colepeper) denounced monopolies. Sir John Culpeper was elected to represent Kent in the Parliament of 1640, at a time when English eloquence was just beginning to develop its full powers under the stimulus of passion provoked by Charles the First's abuse of what he claimed as his divine right. In a speech delivered on the same day on which Culpeper spoke, Lord Digby defined the chief of these abuses as follows:—

1. The great and intolerable burthen of ship-money, touching the legality whereof they are unsatisfied.
2. The many great abuses in pressing the soldiers, and raising moneys concerning the same.
3. The multitude of monopolies.
4. The new canon, and the oath to be taken by lawyers, divines, etc.
5. The oath required to be taken by church officers according to articles new and unusual.

Culpeper's celebrated characterization of the monopolies under Charles I. has not had general currency as a quotation in later discussions of the same subject, but it is doubtful if it has been equaled, or even closely approached by the greater orators who have spoken since under the inspiration of the same ideas.

The fact that the "Sir John Culpeper" familiar to readers of Nalson appears in later history as "Colepeper" is significant. Elected to the Long Parliament in 1640, his speech against monopolies was probably the strongest of its kind delivered during the session. It marked Culpeper as a man capable of popular leadership, with force of character enough to direct the revolution. He figures in later history, however, on the side of the King. Leaving the opposition to monopoly to take care of itself, he became a member of the Privy Council and Chancellor of the Exchequer. The King made him "Lord Colepeper of Thoresway." After many vicissitudes in following Charles I. to his downfall, he went into exile and on the death of Cromwell was materially instrumental in winning over Monk and bringing about the restoration. He died June 11th, 1660.

AGAINST MONOPOLIES

(Delivered in the English Parliament, November 9th, 1640)

Mr. Speaker:—

I STAND not up with a petition in my hand, I have it in my mouth, and have it in charge from them that sent me hither, humbly to present to the consideration of this House the grievances of the county of Kent; I shall only sum them up. They are these:—

First, the great increase of Papists by the remiss execution of those laws which were made to suppress them; the life of the law is execution; without this they become but a dead letter; this is wanting and a great grievance.

The second is the obtruding and countenancing of divers new ceremonies in matters of religion, as placing the Communion table Altar wise, and bowing and cringing towards it, and refusing the Holy Sacrament to such as refuse to come up to the rails,—these carry with them some scandal and much offense.

The third is military charges, and therein first coat and conduct money, required as a loan, or pressed as a due, and in each respect equally a grievance. The second is the enhancing the price of powder, whereby the trained bands are much discouraged in their exercising; however this may appear *prima facie*, upon due examination it will appear a great grievance. The third is more particular to our county; it is this: the last summer was twelve-month, ten thousand of our best arms were taken from the owners, and sent into Scotland; the compulsory way was this: "If you will not send your arms you shall go yourselves." Mr. Speaker, the train band is a militia of great strength and honor, without charges to the King, and deserves all due encouragement.

The fourth is the canons, I assign these to be a grievance; first, in respect of the matter, besides the oath. Secondly, in respect of the makers: they were chosen to serve in a convocation; that falling with the Parliament, the scene was altered; and the same men without any new election were shuffled into a sacred synod. Thirdly, in respect of the consequence, which in this age, when the second ill precedent becomes a law, is full of danger. The clergy, without confirmation of a Parliament, have assumed unto themselves power to make laws, to grant

relief by the name of benevolence, and to intermeddle with our freehold by suspensions and deprivation. This is a grievance of a high nature.

The next grievance is the ship-money; this cries aloud. I may say, I hope without offense, this strikes the firstborn of every family; I mean our inheritance; if the laws give the King power, in any danger of the kingdom, whereof he is judge, to impose what and when he please, we owe all that is left to the goodness of the King, not to the law, Mr. Speaker. This makes the farmers faint, and the plow go heavy.

The next is the great decay of clothing and fall of our wools; these are the golden mines of England which give a foundation to that trade which we drive with all the world. I know there are many stars concur in this constellation, I will not trouble you with more than one cause of it, which I dare affirm to be the greatest. It is the great custom and impositions laid upon our cloth and new draperies; I speak not this with a wish to lessen the King's revenues, so it be done by Parliament; I shall give my voice to lay more charge upon the superfluities, due regard being had to trade, which we import from all other nations; sure I am that all those impositions upon our native commodities are dangerous, give liberty to our neighbors to undersell; and I take it for a rule that besides our loss in trade, which is five times as much as the King receiveth, which is imposed upon our cloths, this is taken from the rent of our lands. I have but one grievance more to offer you; but this one compriseth many; it is a nest of wasps, or swarm of vermin, which have overcrept the land,—I mean the monopolies and polers of the people; these, like the frogs of Egypt, have gotten possession of our dwellings, and we have a room scarce free from them; they sup in our cup, they dip in our dish, they sit by our fire, we find them in the dye-vat, washbowl, and powdering tub. They share with the butler in his box; they have marked and sealed us from head to foot. Mr. Speaker, they will not bate us a pin; we may not buy our own clothes without their brokage; these are the leeches that have sucked the Commonwealth so hard that it is almost become hectical; and, Mr. Speaker, some of these are ashamed of their right names; they have a vizard to hide the brand made by that good law in the last Parliament of King James; they shelter themselves under the name of a Corporation; they make by-laws which serve their turns to

squeeze us and fill their purses. Unface these and they will prove as bad cards as any in the pack; these are not petty chapmen, but wholesale men. Mr. Speaker, I have echoed to you the cries of the Kingdom, I will tell you their hopes: they look to heaven for a blessing upon this Parliament, they hang upon his Majesty's exemplary piety and great justice, which renders his ears open to the just complaints of his subjects; we have had lately a gracious assurance of it; it is the wise conduct of this, whereby the other great affairs of the kingdom and this our grievance of no less importance may go hand in hand in preparation and resolution; then, by the blessing of God, we shall return home with an olive branch in our mouths, and a full confirmation of the privileges which we received from our ancestors and owe to our posterity, and which every free-born Englishman hath received with the air he breathed in.

JOHN PHILPOT CURRAN

(1750–1817)

No one is likely to argue against the proposition of Principal Caird that oratory, to be genuine, must have its mainspring in deep emotion, expressing itself through the processes of an habitually active intellect. The great thought or the deep emotion will always be painful to any one capable of it until he can find for it at least an approximately adequate expression. In this expression, the melody and rhythm of the language which embodies it will always co-ordinate with the thought which inspires it, in some definite, if indefinable, relation to the strength of the emotion which compels the thought. But there is a wide distinction of "personal equation." The question first of the nobility of the thought carries with it the secondary question of adequacy to express it, and that must be decided in each given moment by the whole of the speaker's past life, by the entire complex network of his intellectual processes, by every habit, moral as well as intellectual, which makes him what he is. We often see men of cold and unemotional natures transported out of themselves by some great event and moved by it from what may have been mere fluency of speech to genuine oratory, which, however badly sustained, is, for the time being, of the highest order. But between the mere fluency of the commonplace orator and the facility of speech habitual to such a man as Curran, there is a distinction which forces itself at once on attention. Curran, when he is speaking in his habitual manner, has the faculty of compelling language to sonorous music, so wedded to the thought, so much a part of the thought itself, so fully in harmony with the deep laws of the mind itself, that it delights us, unconsciously, merely as so much sound, without any regard whatever to the meaning of it; leaving us, however, unaware of the source of this pleasure and never distracting our attention from ideas to which, when noble, all nature, as it operates through the process of human expression, strives to give the noblest possible vehicle.

Such men as Curran master us first by mere expression that they may shackle us with their thought; they compel us with music that they may hold us with intellect; they take us captive through melody that they may compel our unwilling natures to suffer as they suffer all the pathos of the universal human life as its wrongs and

its sufferings take hold upon them. Of the sources of Curran's inspiration, his compatriot, Rev. R. M. Buckley writes:—

«There is an Irish school of oratory, and it was about Curran's time it came into vogue. When, indeed, was there such occasion for it? When the speaker's passions were roused by the contemplation of the cruelty with which his country was visited, and the sufferings his countrymen endured, the coldest nature should be eloquent, when speaking of those atrocious deeds. The grandest specimens of eloquence ever recorded in history were delivered in times of great social strife, great national upheaving, amid the ruins of a country, or over the cradle of a young revolution. It was towards the close of the Hebrew nationality that their prophets started up and proclaimed the ruin and captivity about to befall their fellow-countrymen. What eloquence can compare with that of Isaiah, sublime and impassioned? or with Jeremiah, wailing and despondent over the calamities of his race? Demosthenes flourished—the greatest orator the world ever saw—amid the crash of the Grecian republics. Cicero was the last orator of Rome: standing on the bridge that separated the prosperous Rome of the Consuls from the effete and degenerate Rome of the Cæsars. Mirabeau's eloquence flamed like a meteor amid the chaos of the French Revolution. So it was with Curran; he lived and spoke when his native land was steeped to the very lips in woe; when 'twas treason to love her, and death to defend.' Manifold were the thoughts that stirred his brain and quickened his tongue; the ancient glory of his country, the virtues of her children, their courage and constancy, through every peril and misfortune; the gleam of sunshine, short and transient, beaming from the Irish Parliament, and its sudden extinction in the Act of Union. Here was food for thought; here was fuel for the fire of eloquence, pride, passion, glory, hope, and, last of all, despair!»

Curran was born at Newmarket, County Cork, July 24th, 1750, and educated at Trinity College, Dublin, and the Middle Temple, London. He was admitted to the Irish bar in 1775, and although after his election to the Irish Parliament in 1783 he made many speeches supporting the patriotic party of which Grattan was the leader, it is only as a lawyer defending his countrymen against charges of libel, sedition, and treason preferred against them because of their determination to establish Irish nationality, that he is at his best. He defended the leaders of the Insurrection of 1798, and although he managed to remain sufficiently loyal to the English administration, to be appointed Master of the Rolls under Fox in 1806, a position from which, at the expiration of eight years, he retired with a pension of £3,000, his sympathy with Irish struggles for national individuality was so intense that the Union caused him the bitterest disappointment and made him contemplate voluntary exile from his country. A romantic incident of his biography was the attachment between his daughter and the celebrated Robert Emmett, at whose arrest Curran himself was examined before the privy council, which discharged him, as it appears, on his own evidence. After his retire-

ment as Master of the Rolls he spent several years in London in the society of such men as Sheridan, Erskine, Thomas Moore, and William Godwin. He died at Brompton, near London, October 14th, 1817. It was during his residence in London that Byron, speaking of Curran as "Longbow," made this famous comparison between him and "Strongbow," by whom Erskine is meant:—

"There also were two wits, by acclamation,
Longbow from Ireland, Strongbow from the Tweed,
Both lawyers, and both men of education;
But Strongbow's wit was of more polished breed.
Longbow was rich in an imagination,
As beautiful and bounding as a steed,
But sometimes stumbling over a potato,
While Strongbow's best things might have come from Cato.

"Strongbow was like a new tuned harpsichord,
But Longbow wild as an Æolian harp,
With which the winds of heaven can claim accord,
And make a music either flat or sharp.
Of Strongbow's talk you would not change a word;
At Longbow's phrases you would sometimes carp;
Both wits — one born so, and the other bred —
This by the heart, his rival by the head."

IN THE CASE OF JUSTICE JOHNSON — CIVIL LIBERTY AND ARBITRARY ARRESTS

(In the Cause of the King against the Justice Johnson, in the Court of Exchequer, Dublin, February 4th, 1805)

My Lords: —

IT HAS fallen to my lot, either fortunately or unfortunately, as the event may be, to rise as counsel for my client on this most important and momentous occasion. I appear before you, my lords, in consequence of a writ issued by his Majesty, commanding that cause be shown to this his court, why his subject has been deprived of his liberty; and upon the cause shown in obedience to this writ, it is my duty to address you on the most awful question, if awfulness is to be judged by consequences and events, on which you have been ever called upon to decide. Sorry am I that the task has not been confided to more adequate powers; but feeble as they are, they will at least not shrink from it. I move you, therefore, that Mr. Justice Johnson be released from illegal imprisonment.

I cannot but observe the sort of scenic preparation with which this sad drama is sought to be brought forward. In part I approve it; in part it excites my disgust and indignation. I am glad to find that the attorney and solicitor-general, the natural and official prosecutors for the State, do not appear; and I infer from their absence, that his excellency the lord-lieutenant disclaims any personal concern in this execrable transaction. I think it does him much honor; it is a conduct that equally agrees with the dignity of his character and the feelings of his heart. To his private virtues, whenever he is left to their influence, I willingly concur in giving the most unqualified tribute of respect. And I do firmly believe, it is with no small regret that he suffers his name to be even formally made use of, in avowing for a return of one of the judges of the land, with as much indifference and nonchalance as if he were a beast of the plow. I observe, too, the dead silence into which the public is frowned by authority for the sad occasion. No man dares to mutter; no newspaper dares to whisper that such a question is afloat. It seems an inquiry among the tombs, or rather in the shades beyond them.

Ibant sola sub nocte per umbram.

I am glad it is so — I am glad of this factitious dumbness; for if murmurs dared to become audible, my voice would be too feeble to drown them; but when all is hushed — when Nature sleeps —

Cum quies mortalibus ægris,

the weakest voice is heard — the shepherd's whistle shoots across the listening darkness of the interminable heath, and gives notice that the wolf is upon his walk; and the same gloom and stillness that tempt the monster to come abroad, facilitate the communication of the warning to beware. Yes, through that silence the voice shall be heard; yes, through that silence the shepherd shall be put upon his guard; yes, through that silence shall the felon savage be chased into the toil. Yes, my lords, I feel myself cheered and impressed by the composed and dignified attention with which I see you are disposed to hear me on the most important question that has ever been subjected to your consideration; the most important to the dearest rights of the human being; the most deeply interesting and animating that can beat in his heart, or burn upon his tongue — Oh! how recreating is it

to feel that occasions may arise in which the soul of man may resume her pretensions; in which she hears the voice of Nature whisper to her, *Os homini sublime dedi cœlumque tueri;* in which even I can look up with calm security to the court, and down with the most profound contempt upon the reptile I mean to tread upon! I say reptile, because when the proudest man in society becomes so the dupe of his childish malice as to wish to inflict on the object of his vengeance the poison of his sting, to do a reptile's work he must shrink into a reptile's dimension; and so shrunk, the only way to assail him is to tread upon him. But to the subject:—this writ of *habeas corpus* has had a return. That return states that Lord Ellenborough, chief-justice of England, issued a warrant reciting the foundation of this dismal transaction: that one of the clerks of the crown-office had certified to him that an indictment had been found at Westminster, charging the honorable Robert Johnson, late of Westminster, one of the justices of his Majesty's court of common pleas in Ireland, with the publication of certain slanderous libels against the government of that country; against the person of his excellency Lord Hardwicke, lord-lieutenant of that country; against the person of Lord Redesdale, the chancellor of Ireland; and against the person of Mr. Justice Osborne, one of the justices of the court of king's bench in Ireland. One of the clerks of the crown-office, it seems, certified all this to his lordship. How many of those there are, or who they are, or which of them so certified, we cannot presume to guess, because the learned and noble lord is silent as to those circumstances. We are only informed that one of them made that important communication to his lordship. It puts me in mind of the information given to one of Fielding's justices: "Did not," says his worship's wife, "the man with the valet make his *fidavy* that you was *a vagram?*" I suppose it was some such petty bag officer who gave Lord Ellenborough to understand that Mr. Justice Johnson was indicted. And being thus given to understand and be informed, he issued his warrant to a gentleman, no doubt of great respectability, a Mr. Williams, his tipstaff, to take the body of Mr. Justice Johnson and bring him before a magistrate, for the purpose of giving bail to appear within the first eight days of this term, so that there might be a trial within the sittings after; and if, by the blessing of God, he should be convicted, then to appear on the return of the *postea*, to be dealt with according to law

Perhaps it may be a question for you to decide, whether that warrant, such as it may be, is not now absolutely spent; and, if not, how a man can contrive to be hereafter in England on a day that is past. And high as the opinion may be in England of Irish understanding, it will be something beyond even Irish exactness to bind him to appear in England, not a fortnight hence, but a fortnight ago. I wish, my lords, we had the art of giving time this retrograde motion. If possessed of the secret, we might be disposed to improve it from fortnights into years.

There is something not incurious in the juxtaposition of signatures. The warrant is signed by the chief-justice of all England. In music, the ear is reconciled to strong transitions of key by a preparatory resolution of the intervening discords; but here, alas! there is nothing to break the fall: the august title of Ellenborough is followed by the unadorned name of brother Bell, the sponsor of his lordship's warrant. Let me not, however, be suffered to deem lightly of the compeer of the noble and learned lord. Mr. Justice Bell ought to be a lawyer; I remember him myself long a crier, and I know his credit, too, with the State; he has had a *noli prosequi*. I see not, therefore, why it may not fairly be said *fortunati ambo!* It appears by his return, that Mr. Justice Bell indorses this bill of lading to another consignee, Mr. Medlicot, a most respectable gentleman. He describes himself upon the warrant, and he gives a delightful specimen of the administration of justice, and the calendar of saints in office; he describes himself a justice and a peace officer — that is, a magistrate and a catchpole: — so that he may receive informations as a justice. If he can write, he may draw them as a clerk; if not, he can execute the warrant as bailiff, and, if it be a capital offense, you may see the culprit, the justice, the clerk, the bailiff, and the hangman, together in the same cart; and, though he may not write, he may "ride and tie!" What a pity that their journey should not be further continued together! That, as they had been "lovely in their lives, so in their deaths they might not be divided!" I find, my lords, I have undesignedly raised a laugh; never did I less feel merriment. Let not me be condemned — let not the laugh be mistaken. Never was Mr. Hume more just than when he says that "in many things the extremes are nearer to one another than the means." Few are those events that are produced by vice and folly, that fire the heart with indignation, that do not also shake the sides with

laughter. So when the two famous moralists of old beheld the sad spectacle of life, the one burst into laughter, the other melted into tears: they were each of them right, and equally right.

Si credas utrique
Res sunt humanæ flebile ludibrium.

But these laughs are the bitter ireful laughs of honest indignation, or they are the laughs of hectic melancholy and despair.

It is stated to you, my lords, that these two justices, if justices they are to be called, went to the house of the defendant. I am speaking to judges, but I disdain the paltry insult it would be to them, were I to appeal to any wretched sympathy of situation. I feel I am above it. I know the bench is above it. But I know, too, that there are ranks and degrees and decorums to be observed; and, if I had a harsh communication to make to a venerable judge, and a similar one to his crier, I should certainly address them in a very different language indeed. A judge of the land, a man not young, of infirm health, has the sanctuary of his habitation broken open by these two persons, who set out with him for the coast, to drag him from his country, to hurry him to a strange land by the "most direct way!" till the king's writ stopped the malefactors, and left the subject of the king a waif dropped in the pursuit.

Is it for nothing, my lords, I say this? Is it without intention I state the facts in this way? It is with every intention. It is the duty of the public advocate not so to put forward the object of public attention, as that the skeleton only shall appear, without flesh, or feature, or complexion. I mean everything that ought to be meant in a court of justice. I mean not only that this execrable attempt shall be intelligible to the court as a matter of law, but shall be understood by the world as an act of state. If advocates had always the honesty and the courage, upon occasions like this, to despise all personal considerations, and to think of no consequence but what may result to the public from the faithful discharge of their sacred trust, these phrenetic projects of power, these atrocious aggressions on the liberty and happiness of men, would not be so often attempted: for, though a certain class of delinquents may be screened from punishment, they cannot be protected from hatred and derision. The great tribunal of reputation will pass its inexorable sentence upon their

crimes, their follies, or their incompetency; they will sink themselves under the consciousness of their situation; they will feel the operation of an acid so neutralizing the malignity of their natures, as to make them at least harmless, if it cannot make them honest. Nor is there anything of risk in the conduct I recommend. If the fire be hot, or the window cold, turn your back to either; turn your face. So, if you are obliged to arraign the acts of those in high station, approach them not in malice, nor favor, nor fear. Remember that it is the condition of guilt to tremble, and of honesty to be bold; remember that your false fear can only give them false courage; that while you nobly avow the cause of truth, you will find her shield an impenetrable protection; and that no attack can be either hazardous or inefficient, if it be just and resolute. If Nathan had not fortified himself in the boldness and directness of his charge, he might have been hanged for the malice of his parable.

It is, my lords, in this temper of mind, befitting every advocate who is worthy of the name, deeply and modestly sensible of his duty, and proud of his privilege, equally exalted above the meanness of temporizing or of offending, most averse from the unnecessary infliction of pain upon any man or men whatsoever, that I now address you on a question, the most vitally connected with the liberty and well-being of every man within the limits of the British Empire; which, if decided one way, he may be a freeman; which, if decided the other, he must be a slave. It is not the Irish nation only that is involved in this question: every member of the three realms is equally embarked; and would to God all England could listen to what passes here this day! They would regard us with more sympathy and respect, when the proudest Briton saw that his liberty was defended in what he would call a provincial court and by a provincial advocate. The abstract and general question for your consideration is this: My Lord Ellenborough has signed with his own hand a warrant, which has been indorsed by Mr. Bell, an Irish justice, for seizing the person of Mr. Justice Johnson in Ireland, for conveying his person by the most direct way, in such manner as these bailiffs may choose, across the sea, and afterwards to the city of Westminster, to take his trial for an alleged libel against the persons intrusted with the government of Ireland, and to take that trial in a country where the supposed offender did not live at the time of the supposed offense, nor, since a period of at least eighteen months

previous thereto, has ever resided; where the subject of his accusation is perfectly unknown; where the conduct of his prosecutors, which has been the subject of the supposed libel, is equally unknown; where he has not the power of compelling the attendance of a single witness for his defense. Under that warrant he has been dragged from his family; under that warrant he was on his way to the water's edge: his transportation has been interrupted by the writ before you, and upon the return of that writ arises the question upon which you are to decide, the legality or illegality of so transporting him for the purpose of trial. I am well aware, my lords, of the limits of the present discussion; if the law were clear in favor of the prosecutors, a most momentous question might arise — how far they may be delinquents in daring to avail themselves of such a law for such a purpose — but I am aware that such is not the present question. I am aware that this is no court of impeachment; and therefore that your inquiry is, not whether such a power hath been criminally used, but whether it doth in fact exist. The arrest of the defendant has been justified by the advocates of the crown under the forty-fourth of his present majesty. I have had the curiosity to inquire into the history of that act, and I find that in the month of May 1804 the brother-in-law of one of the present prosecutors obtained leave to bring in a bill to "render more easy the apprehending and bringing to trial offenders escaping from one part of the united kingdom to another, and also from one county to another." That bill was brought in: it traveled in the caravan of legislation unheeded and unnoticed, retarded by no difficulties of discussion or debate, and in due fullness of season it passed into a law, which was to commence from and after the first of August, 1804.

This act, like a young Hercules, began its exploits in the cradle. In the November following, the present warrant was issued under its supposed authority. Let me not be understood to say that the act has been slided through an unsuspecting legislature, under any particular influence, or for any particular purpose; that any such man could be found, or any such influence exist, or any such lethargy prevail, would not, perhaps, be decent to suppose; still less do I question the legislative authority of Parliament. We all know that a Parliament may attaint itself, and that its omnipotence may equally extend in the same way to the whole body of the people. We know also that most unjust and

cruel acts of attainder have been obtained by corrupt men in bad times; and if I could bring myself to say, which I do not, that this act was contrived for the mere purpose of destroying an obnoxious individual, I should not hesitate to call it the most odious species of attainder that could be found upon the records of legislative degradation, because, for the simple purpose of extinguishing an individual, it would sweep the liberty of every being in the State into the vortex of general and undistinguishing destruction. But these are points of view upon which the minds of the people of Ireland and England may dwell with terror or indignation or apathy, according as they may be fitted for liberty or for chains, but they are not points for the court, and so I pass them by. The present arrest and detention are defended under the forty-fourth of the king. Are they warranted by that act? That is the only question for you to decide; and you will arrive at that decision in the usual course, by inquiring, first, how the law stood before upon the subject; next, what the imperfection or grievance of that law was; and third, what the remedy intended to be applied by the act in question.

First, then, how stood the law before? Upon this part it would be a parade of useless learning to go further back than the statute of Charles, the Habeas Corpus Act, which is so justly called the second Magna Charta of British liberty. What was the occasion of the law? The arbitrary transportation of the subject beyond the realm; that base and malignant war, which the odious and despicable minions of power are forever ready to wage against all those who are honest and bold enough to despise, to expose, and to resist them. Such is the oscitancy of man, that he lies torpid for ages under these aggressions, until at last some signal abuse, the violation of Lucrece, the death of Virginia, the oppression of William Tell, shakes him from his slumber. For years had those drunken gambols of power been played in England; for years had the waters of bitterness been rising to the brim; at last a single drop caused them to sleep — and what does that great statute do? It defines and asserts the right, it points out the abuse, and it endeavors to secure the right and to guard against the abuse by giving redress to the sufferer and by punishing the offender; for years had it been the practice to transport obnoxious persons out of the realm into distant parts under the pretext of punishment or of safe custody. Well might they have been said to be sent "to that undiscovered country

from whose bourn no traveler returns," for of these wretched travelers how few ever did return. But of that flagrant abuse this statute has laid the ax to the root: it prohibits the abuse; it declares such detention or removal illegal; it gives an action against all persons concerned in the offense by contriving, writing, signing, countersigning such warrant, or advising or assisting therein. That you may form a just estimate of the rights which were to be secured, examine the means by which their infringement was in future to be prevented and punished. The injured party has a civil action against the offenders, but the legislature recollected that the sneaking unprincipled humility of a servile packed jury might do homage to ministerial power by compensating the individual with nominal damages. The statute does that, of which I remember no other instance. It leaves the jury at liberty to give damages to any extent above five hundred pounds, but expressly forbids them to find a verdict of damages below it. Was this sufficient? No. The offenders incur a *præmunire*. They are put out of the King's protection; they forfeit their lands and goods; they are disabled from bearing any office of trust or profit. Did the statute stop there?

The Legislature saw, in their prospective wisdom, that the profligate favorite, who had committed treason against the King by the oppression of his subjects, might acquire such a dominion over the mind of his master as by the exertion of prerogative to interrupt the course of justice and prevent the punishment of his crime. The king cannot pardon. Are bulwarks like these ever constructed to repel the incursions of a contemptible enemy? Was it a trivial and ordinary occasion which raised this storm of indignation in the Parliament of that day? Is the ocean ever lashed by the tempest to waft a feather or to drown a fly? Thus haughtily and jealously does this statute restrain the abuses that may be committed against the liberty of the subject by the judge, the jury, or the minister. One exception, and one exception only, does it contain: It excepts from its protection, by the sixteenth section, persons who may have committed "any capital offense" in Scotland or in Ireland. If the principle of that exception were now open to discussion, sure I am that much might be said against its policy. On the one side, you would have to consider the mischief of letting this statute protect a capital offender from punishment by prohibiting his transmission to that jurisdiction where his crime was committed, and where alone he

could be tried. On the other, you would have to weigh the danger to be feared from the abuse of such a power, which, as the Habeas Corpus Act stood, could not be resorted to in any ordinary way, but was confined to the sole and exclusive exercise of the advisers of the prerogative. You would have to consider whether it was more likely that it would be used against the guilty or the obnoxious; whether it was more likely to be used as an instrument of justice against the bad, or a pretext of oppression against the good; and finally, whether you might not apply to the subject the humane maxim of our law — that better it is that one hundred guilty men should escape than that one innocent, and, let me add, meritorious man should suffer. But our ancestors have considered the question; they have decided, and, until we are better satisfied than I fear we can be, that we have not degenerated from their virtue, it can scarcely become us to pass any light or hasty condemnation upon their wisdom. In this great statute then, my lords, you have the line of demarkation between the prerogative and the people, as well as between the criminal law and the subject, defined with all the exactness, and guarded by every precaution that human prudence could devise. Wretched must that legislature be whose acts you cannot trace to the first unchangeable principles of rational prerogative, of civil liberty, of equal justice! In this act you trace them all distinctly. By this act you have a solemn legislative declaration, "that it is incompatible with liberty to send any subject out of the realm, under pretense of any crime supposed or alleged to be committed in a foreign jurisdiction, except that crime be capital." Such were the bulwarks which our ancestors drew about the sacred temple of liberty — such the ramparts by which they sought to bar out the ever-toiling ocean of arbitrary power, and thought (generous credulity!) that they had barred it out from their posterity forever. Little did they foresee the future race of vermin that would work their way through those mounds and let back the inundation; little did they foresee that their labors were so like those frail and transient works that threatened for a while the haughty crimes and battlements of Troy, but so soon vanished before the force of the trident and the impulse of the waters; or that they were still more like the forms which the infant's finger traces upon the beach; the next breeze, the next tide erases them, and confounds them with the barren undistinguished strand. The ill-omened bird that lights upon it sees

nothing to mark, to allure, or to deter, but finds all one obliterated unvaried waste:—

Et sola secum sicca spatiatur arena.

Still do I hope that this sacred bequest of our ancestors will have a more prosperous fortune, and be preserved by a more religious and successful care, a polar star to the wisdom of the legislator and the integrity of the judge.

As such will I suppose its principle not yet brought into disgrace; and as such, with your permission, will I still presume to argue upon that principle.

So stood the law till the two acts of the twenty-third and twenty-fourth of George II. which relate wholly to cases between county and county in England. Next followed the act of the thirteenth of his present Majesty, which was merely a regulation between England and Scotland. And next came the act of the forty-fourth of the present reign, upon which you are now called on to decide, which, as between county and county, is an incorporation of the two acts of George II.; and as between England, Scotland, and Ireland, is nearly a transcript of the thirteenth of the King.

Under the third and fourth sections of this last act the learned counsel for the learned prosecutors (for really I think it only candid to acquit the lord-lieutenant of the folly or the shame of this business, and to suppose that he is as innocent of the project from his temper as he must from his education be ignorant of the subject) endeavor to justify this proceeding. The construction of this act they broadly and expressly contend to be this: Firstly, they assert that it extends not only to the higher crimes, but to all offenses whatsoever; secondly, that it extends not only to persons who may have committed offenses within any given jurisdictions, and afterwards escaped or gone out of such jurisdictions, but to all persons whether so escaping or going out or not; thirdly, that it extends to constructive offenses, that is, to offenses committed against the laws of certain jurisdictions, committed in places not within them, by persons that never put their feet within them, but by construction of law committing them within such jurisdiction, and of course triable therein; fourthly, that it extends peculiarly to the case of libels against the persons intrusted with the powers of government, or with offices in

the State; and fifthly, that it extends not only to offenses committed after the commencement of the act, but also to offenses at any period, however remotely previous to the existence of the statute; that is, that it is to have an *ex post facto* operation. The learned prosecutors have been forced into the necessity of supporting these last monstrous positions, because, upon the return to the writ, and upon the affidavits, it appears, and has been expressly admitted in the argument — firstly, that the supposed libel upon these noble and learned prosecutors relates to the unhappy circumstances that took place in Ireland on the twenty-third of July, 1803, and of course must have been published subsequent thereto; and, secondly, that Mr. Justice Johnson from the beginning of 1802 to the present hour was never for a moment in England, but was constantly resident in Ireland; so that his guilt, whatever it may be, must arise from some act, of necessity committed in Ireland, and by no physical possibility committed or capable of being committed in England: these are the positions upon which a learned chancellor and a learned judge come forward to support their cause and to stake their character, each in the face of his country, and both in the face of the British Empire: these are the positions, which, thank God, it belongs to my nature to abhor, and to my education to despise, and which it is this day my most prompt and melancholy duty to refute and to resist — most prompt in obeying; most grieved at the occasion that calls for such obedience.

We must now examine this act of the forty-fourth of the king; and in doing so, I trust you will seek some nobler assistance than can be found in the principles or the practice of day-rules or side-bar motions; something more worthy a liberal and learned court, acting under a religious sense of their duty to their King, their country, and their God, than the feeble and pedantic aid of a stunted verbal interpretation, straining upon its tiptoe to peep over the syllable that stands between it and meaning. If your object were merely to see if its words could be tortured into a submission to a vindicate interpretation, you would have only to indorse the construction that these learned prosecutors have put upon it, and that with as much grave deliberation as Mr. Justice Bell has vouchsafed to indorse the warrant which my Lord Ellenborough has thought fit to issue under its authority. You would then have only to look at it, *ut leguleius quidam cautus atque acutus, præcentor.*

Lord Avonmore — No, Mr. Curran, you forget; it is not *præcentor*, it is *leguleius quidam cautus atque acutus, præco actionum, cantor formarum, anceps syllabarum.*

Mr. Curran — I thank you, my lord, for the assistance; and I am the more grateful, because, when I consider the laudable and successful efforts that have been made of late to make science domestic and familiar, and to emancipate her from the trammels of scholarship, as well as the just suspicion under which the harborers and abettors of those outlawed classics have fallen, I see at what a risk you have ventured to help me out. And yet see, my lord, if you are prudent in trusting yourself to the honor of an accomplice. Think, should I be prosecuted for this misprision of learning, if I could resist the temptation of escaping by turning evidence against so notorious a delinquent as you, my good lord, and so confessedly more criminal than myself, or perhaps than any other man in the empire.

To examine this act then, my lords, we must revert to the three English statutes of which it is a transcript. The first of these is the twenty-third of George II. cap. 26, § 11.

So much of the title as relates to our present inquiry is "for the apprehending of persons in any county or place upon warrants granted by justices of the peace in any other county or place."

See now section two that contains the preamble and enaction as to this subject:—

"And whereas it frequently happens that persons, against whom warrants are granted by justices of the peace for the several counties within this kingdom, escape into other counties or places out of the jurisdiction of the justices of the peace granting such warrants, and thereby avoid being punished for the offenses wherewith they are charged: For remedy whereof, be it enacted by the authority aforesaid, that from and after the twenty-fourth day of June, one thousand seven hundred and fifty, in case any person against whom a legal warrant shall be issued by any justice or justices of the peace for any county, riding, division, city, liberty, town, or place within this kingdom, shall escape or go into any other county, riding, division, city, liberty, town, or place out of the jurisdiction of the justice or justices granting such warrant as aforesaid, it shall and may be lawful for any justice of the peace of the county, riding, division, city, liberty, town, or place, to which such person shall have gone or escaped, to indorse such warrant, upon application made to him for

that purpose, and to cause the person against whom the same shall have been issued, to be apprehended and sent to the justice or justices who granted such warrant, or to some other justice or justices of the county, riding, division, city, liberty, town, or place, from whence such person shall have gone or escaped, to the end that he or she may be dealt with according to law, any law or usage to the contrary notwithstanding."

This act was amended by the twenty-fourth of the same reign, the title of which was: —

"An act for amending and making more effectual a clause in an act passed in the last session of Parliament for the apprehending of persons in any county or place upon warrants granted by justices of the peace of any county or place."

It then recites the eleventh section of the twenty-third of George II., and proceeds: —

"And whereas, such offender or offenders may reside or be in some other county, riding, division, city, liberty, town, or place, out of the jurisdictions of the justice or justices granting such warrant as aforesaid, before the granting such warrant, and without escaping or going out of the county, riding, division, city, liberty, town, or place, after such warrant granted."

I shall reserve a more particular examination of these two acts for that head of my argument that shall necessarily require it. At present I shall only observe: Firstly, that they are manifestly prospective; secondly, that they operate only as between county and county, in England; thirdly, that they clearly and distinctly go to all offenders whatsoever, who may avoid trial and punishment of their offenses by escaping from the jurisdiction in which they were committed, and were, of course, triable and punishable; and fourthly, that provision is made for bailing the persons so arrested in the place where taken, if the offenses charged upon them were bailable by law.

In the thirteenth of his present Majesty, it was thought fit to make a law with respect to criminals escaping from England to Scotland, and *vice versâ:* of that act the present statute of the forty-fourth is a transcript. And upon this statute arises the first question made by the prosecutors; namely, whether, like the acts of the twenty-third and twenty-fourth of George II., which were merely between county and county, it extended indiscriminately

to the lowest as well as the highest offenses, or whether the thirteenth and forty-fourth, which go to kingdom and kingdom, are not confined to some and to what particular species of offenses. The preamble to these two statutes, so far as they bear upon our present question, is contained in the third section of the forty-fourth, the act now under consideration. And there is not a word in it that is not most material. It says:—

"Whereas, it may frequently happen that felons and other malefactors in Ireland may make their escape into Great Britain, and also, that felons and other malefactors in Great Britain may make their escape into Ireland, whereby their crimes remain unpunished."

There being no sufficient provision by the laws now in force in Great Britain and Ireland, respectively, for apprehending such offenders and transmitting them into that part of the united kingdom in which their offenses were committed it is enacted "for remedy whereof," etc., that "if any person against whom a warrant shall be issued by any justice of the peace in Ireland, for any crime or offense against the laws of Ireland, shall escape, go into, reside, or be in any place in England or Scotland, it shall be lawful for any justice of the peace for the place, whither or where such persons shall escape, etc., to indorse his name on such warrant; which warrant so indorsed shall be a sufficient authority to the person bringing it to execute the same, by apprehending the person against whom it is granted, and to convey him by the most direct way into Ireland, and before a justice living near the place where he shall land, which justice shall proceed with regard to him as if he had been legally apprehended in such county of Ireland." The fourth section makes the same provision for escapes from England or Scotland into Ireland. The statute goes on and directs that the expenses of such removal shall be repaid to the person defraying the same, by the treasurer of the county in which the crime was committed, and the treasurer is to be allowed for it in his accounts.

To support the construction that takes in all possible offenses of all possible degrees, you have been told, and upon the grave authority of notable cases, that the enacting part of a statute may go beyond its preamble; that it cannot be restrained by the preamble, and still less by the title; that here the enacting clause was the words "any offense," and that "any offense" must extend to every offense, and of course to the offense in question.

If the question had been of a lighter kind, you might perhaps have smiled at the parade of authorities produced to establish what no lawyer ever thinks of denying. They would have acted with more advantage to the justice of the country, though perhaps not to the wishes of their clients, if they had reminded your lordships, that, in the construction of statutes, the preamble, and even the title itself, may give some assistance to the judge in developing its meaning and its extent; if they had reminded you that remedial laws are to be construed liberally, and penal laws with the utmost strictness and caution. And when they contend that a supposed libel is within the letter of this law, they would have done well to have added that it is a maxim that there may be cases within the letter of a statute, which, notwithstanding, the judge is bound to reject, from its operation being incompatible with its spirit. They would have done well in adding that the judge is bound so to construe all laws as not infringe upon any of the known rules of religion or morality, any of the known rules of distributive justice, any of the established principles of the liberties and rights of the subject, and that it is no more than a decent and becoming deference to the legislator to assume as certain, that whatever words he may have used, he could not possibly have meant anything that upon the face of it was palpably absurd, immoral, or unjust. These are the principles on which I am persuaded this court will always act, because I know them to be the principles on which every court of justice ought to act. And I abstain studiously from appealing to any judicial decisions in support of them, because to fortify them by precedent or authority would be to suppose them liable to be called in question. There is another rule which I can easily excuse the learned gentlemen from adverting to, and that is, that when many statutes are made in *pari materia*, any one of them is to be construed, not independently of the others, but with a reference to the entire code of which it is only a component part.

On these grounds, then, I say, the forty-fourth was not, and could not, be intended to go to all offenses whatsoever.

First, because the acts of twenty-third and twenty-fourth of George II. had already prescribed "all persons" by words of the most general and comprehensive kind. If the framers of the thirteenth and forty-fourth meant to carry these acts to the same length, they had the words of the former acts before their eyes,

and yet they have used very different words: a clear proof, in my mind, that they meant to convey a very different meaning. In these latter acts they use very singular words — "felons and other malefactors." That these words are somewhat loose and indefinite I make no difficulty of admitting, but will any man that understands English deny that they describe offenses of a higher and more enormous degree? You are told that felon does not necessarily mean a capital offender, because there are felonies not capital, the name being derived from the forfeiture, not of life, but of property. You are also told that malefactor means generally an ill-doer, and, in that sense, that every offender is a malefactor; but the thirteenth and forty-fourth states this class to be felons and malefactors, for whose transmission from kingdom to kingdom "no sufficient provision was made by the laws now in force." Now I think it is not unfair reasoning to say that this act extends to a class of offenders whose transmission was admitted to be not incompatible with the just liberty of the subject of England; but for whose transmission the legislature could not say there was no provision; but for whose transmission it was clear that there was not a sufficient provision, though there was some provision. If you can find any class so circumstanced, that is, exclusively liable by law to be so transmitted, the meaning of the words, "felons and other malefactors," becomes fixed, and must necessarily refer to such class.

Now that class is expressly described in the Habeas Corpus Act, because it declares the transmission of all persons to be illegal, except only persons charged with capital crimes; for their apprehension and transmission there was a provision, the *mandatum regis*, that is, the discretionary exercise of the prerogative. That power had therefore been used in cases of treason, as in Lundy's case; so in the case of Lord Sanchar; Carliel, the principal in the murder of Turner, committed in London by the procurement of Lord Sanchar, was arrested in Scotland, whither he had fled, by the order of King James I., and brought back to England, where he was executed for the crime, as was Lord Sanchar, the accessory before the fact; but such interference of the prerogative might be granted or withheld at pleasure, could be applied for only with great difficulty and expense, and therefore might well be called an insufficient provision. No provision for such a purpose can be sufficient, unless, instead of depending on the caprice of men in power, it can be resorted to in the ordinary

course of law. You have therefore, my lords, to elect between two constructions: one which makes an adequate provision for carrying the exception in the sixteenth section of the Habeas Corpus Act into effect; and the other, a complete and radical repeal of that sacred security for the freedom of Englishmen. But, further, the spirit and the letter of the Habeas Corpus law is that the party interested shall, without a moment's delay, be bailed, if the offense be bailable; but if misdemeanors are within this act, then an English subject, arrested under an Irish warrant, cannot be bailed within any part of the realm of England, but must be carried forward, in the custody of Irish bailiffs, to the seashore of his country, where he is to be embarked in such vessel as they think proper; and if it should be the good pleasure of his guardians to let him land alive in any part of Ireland, then, and not till then, may he apply to an Irish justice to admit him to bail in a foreign country, where he is a perfect stranger and where none but an idiot could expect to find any man disposed to make himself responsible for his appearance. Can you, my lords, bring your minds easily to believe that such a tissue of despotism and folly could have been the sober and deliberate intention of the legislature? but further, under the acts of George II., even from one county to the next, the warrant by the first justice must be authenticated upon oath, before it can be indorsed by the second; but, in this act, between, perhaps, the remotest regions of different kingdoms, no authentication is required; and upon the indorsement of, perhaps, a forged warrant, which the English justice has no means of inquiring into, a British subject is to be marched through England and carried over sea to Ireland, there to learn in the county of Kerry, or Galway, or Derry, that he had been torn from his family, his friends, his business, to the annihilation of his credit, the ruin of his affairs, the destruction of his health, in consequence of a mistake, or a practical joke, or an inhuman or remorseless project of vindictive malice; and that he is then at liberty to return if he be able; that he may have a good action at law against the worthy and responsible bailiff that abused him, if he be foolish enough to look for him, or unfortunate enough to find him. Can you, my lords, be brought seriously to believe that such a construction would not be the foulest aspersion upon the wisdom and justice of the legislature?

I said, my lords, that an Englishman may be taken upon the indorsement of a forged warrant. Let me not be supposed such a simpleton as to think the danger of forgery makes a shade of difference in the subject. I know too well that calendar of saints, the Irish justices; I am too much in the habit of prosecuting and defending them every term and every commission, not to be able to guess at what price a customer might have real warrants by the dozen; and, without much sagacity, we might calculate the average expense of their indorsement at the other side of the water. But, further yet, the act provides that the expense of such transmission shall be paid at the end of the journey by the place where the crime has been committed — but, who is to supply the expenses by the way? What sort of prosecutors do you think the more likely to advance those expenses, an angry minister, or a vindictive individual? I can easily see that such a construction would give a most effectual method of getting rid of a troublesome political opponent, or a rival in trade, or a rival in love, or of quickening the undutiful lingering of an ancestor that felt not the maturity of his heir; but I cannot bring myself to believe that a sober legislature, when the common rights of humanity seem to be beaten into their last entrenchment, and to make their last stand, I trust in God a successful one, in the British Empire, would choose exactly that awful crisis for destroying the most vital principles of common justice and liberty, or of showing to these nations that their treasure and their blood were to be wasted in struggling for the noble privilege of holding the right of freedom, of habitation, and of country, at the courtesy of every little irritable officer of state, or our worshipful Rivets and Bells and Medlicots and their trusty and well-beloved cousins and catchpoles.

But, my lords, even if the prosecutor should succeed, which for the honor and character of Ireland I trust he cannot, in wringing from the bench an admission that all offenses whatsoever are within this act, he will have only commenced his honorable cause; he will only have arrived at the vestibule of atrocity. He has now to show that Mr. Johnson is within the description of a malefactor, making his escape into Ireland, whereby his offense may remain unpunished, and liable to be arrested under a warrant indorsed in that place whither or where such person shall escape, go into, reside, or be. For this inquiry

you must refer to the twenty-third and twenty-fourth George II. The first of these, twenty-third, cap. 11, recites the mischief—"that persons against whom warrants are granted escape into other counties, and thereby avoid being punished." The enacting part then gives the remedy: "The justice for the place into which such person shall have gone or escaped shall indorse the original warrant, and the person accused shall thereunder be sent to the justice who granted it, to be by him dealt with, etc."

If words can be plain, these words are so; they extend to persons actually committing crimes within a jurisdiction, and actually escaping into some other after warrant granted, and thereby avoiding trial. In this act there were found two defects: Firstly, it did not comprehend persons changing their abode before warrant issued, and whose removing, as not being a direct flight from pursuit, could scarcely be called an escape; secondly, it did not give the second justice a power to bail. And here you see how essential to justice it was deemed that the person arrested should be bailed on the spot and the moment of arrest, if the charge were bailable.

Accordingly, the twenty-fourth of George II., cap. 55, was made. After reciting the former act and the class of offenders thereby described, namely, actual offenders actually escaping, it recites that "whereas such offenders may reside or be in some other county before the warrant granted, and without escaping or going out of the county after such warrant granted," it then enacts, "that the justice for such place where such person shall escape, go into, reside, or be, shall indorse, etc., and may bail if bailable, or transmit," etc.

Now the construction of these two acts taken together is manifestly this; it takes in every person, who, being in any jurisdiction and committing an offense therein, escaping after warrant, or without escaping after warrant, going into some other jurisdiction, and who shall there reside, that is permanently abide, or shall be, that is permanently, so as to be called a resident.

Now here it is admitted that Mr. Johnson was not within the realm of England, since the beginning of 1802, more than a year before the offense existed; and therefore you are gravely called upon to say that he is the person who made his escape from a place where he never was, and into a place which he had never left. To let in this wise and humane instruction, see what you are called upon to do: the statute makes such persons liable to

arrest if they shall have done certain things, to wit, if they shall escape, go into, reside, or be; but if the fact of simply being, *i. e.*, existing in another jurisdiction, is sufficient to make them so liable, it follows, of course, that the only two verbs that imply doing anything, that is, escape or go into, must be regarded as superfluous; that is, that the legislature had no idea whatsoever to be conveyed by them when they used them, and therefore are altogether expunged and rejected.

Such, my lords, are the strange and unnatural monsters that may be produced by the union of malignity and folly. I cannot but own that I feel an indignant, and, perhaps, ill-natured satisfaction in reflecting that my own country cannot monopolize the derision and detestation that such a production must attract. It was originally conceived by the wisdom of the East; it has made its escape and come into Ireland under the sanction of the first criminal judge of the empire, where, I trust in God, we shall have only to feel shame or anger at the insolence of the visit, without the melancholy aggravation of such an execrable guest continuing to reside or to be among us. On the contrary, I will not dismiss the cheering expectation from my heart that your decision, my lords, will show the British nation that a country having as just and as proud an idea of liberty as herself is not an unworthy ally in the great contest for the rights of humanity; is no unworthy associate in resisting the progress of barbarity and military despotism, and in defending against its enemies that great system of British freedom in which we have now a common interest, and under the ruins of which, if it should be overthrown, we must be buried in a common destruction.

I am not ignorant, my lords, that this extraordinary construction has received the sanction of another court, nor of the surprise and dismay with which it smote upon the general heart of the bar. I am aware that I may have the mortification of being told in another country of that unhappy decision, and I foresee in what confusion I shall hang down my head when I am told it. But I cherish, too, the consolatory hope that I shall be able to tell them that I had an old and learned friend whom I would put above all the sweepings of their hall, who was of a different opinion, who had derived his ideas of civil liberty from the purest fountains of Athens and of Rome, who had fed the youthful vigor of his studious mind with the theoretic knowledge of their wisest philosophers and statesmen, and who had refined the the-

ory into the quick and exquisite sensibility of moral instinct, by contemplating the practice of their most illustrious examples; by dwelling on the sweet-souled piety of Cimon; on the anticipated Christianity of Socrates; on the gallant and pathetic patriotism of Epaminondas; on that pure austerity of Fabricius, whom to move from his integrity would have been more difficult than to have pushed the sun from his course. I would add that if he had seemed to hesitate, it was but for a moment; that his hesitation was like the passing cloud that floats across the morning sun and hides it from the view, and does so for a moment hide it by involving the spectator without even approaching the face of the luminary; and this soothing hope I draw from the dearest and tenderest recollections of my life, from the remembrance of those Attic nights, and those refections of the gods which we have spent with those admired and respected and beloved companions who have gone before us;—over whose ashes the most precious tears of Ireland have been shed; yes, my good lord, I see you do not forget them; I see their sacred forms passing in sad review before your memory; I see your pained and softened fancy recalling those happy meetings, when the innocent enjoyment of social mirth expanded into the nobler warmth of social virtue; and the horizon of the board became enlarged into the horizon of man; when the swelling heart conceived and communicated the pure and generous purpose,—when my slenderer and younger taper imbibed its borrowed light from the more matured and redundant fountain of yours. Yes, my lord, we can remember those nights without any other regret than that they can never more return, for—

> "We spent them not in toys, or lust, or wine;
> But search of deep philosophy,
> Wit, eloquence, and poesy,
> Arts which I lov'd; for they, my friend, were thine."

But, my lords, to return to a subject from which to have thus far departed, I think, may not be wholly without excuse. The express object of the forty-fourth was to send persons from places where they were not triable by law, back to the places that had jurisdiction to try them. And in those very words does Mr. Justice Blackstone observe on the thirteenth of the King, that it was made to prevent impunity by escape, by giving a power of "sending back" such offenders as had so escaped.

This topic of argument would now naturally claim its place in the present discussion. I mention it now that it might not be supposed that I meant to pretermit so important a consideration. And I only mention it, because it will connect itself with a subsequent head of this inquiry in a manner more forcibly applicable to the object; when, I think I may venture to say, it will appear to demonstration, that if the offense charged upon the defendant be triable at all, it is triable in Ireland and no where else; and of course that the prosecutors are acting in direct violation of the statute, when they seek to transport him from a place where he can be tried into another country that can have no possible jurisdiction over him.

Let us now, my lords, examine the next position contended for by those learned prosecutors. Having labored to prove that the act applies not merely to capital crimes, but to all offenses whatsoever; having labored to show that an act for preventing impunity by escape extends to cases, not only where there was no escape, but where escape in fact was physically impossible, they proceed to put forward boldly a doctrine which no lawyer, I do not hesitate to say it, in Westminster Hall would have the folly or the temerity to advance; that is, that the defendant may, by construction of law, be guilty of the offense in Westminster, though he should never have passed within its limits till he was sent thither to be tried. With what a fatal and inexorable uniformity do the tempers and characters of men domineer over their actions and conduct! How clearly must an Englishman, if by chance there be any now listening to us, discern the motives and principles that dictated the odious persecutions of 1794 reassuming their operations; forgetting that public spirit by which they were frustrated; unappalled by fear, undeterred by shame, and returning again to the charge; the same wild and impious nonsense of constructive criminality, the same execrable application of the ill-understood rules of a vulgar, clerk-like, and illiterate equity, to the sound and plain and guarded maxims of the criminal law of England,—the purest, the noblest, the chastest system of distributive justice that was ever venerated by the wise or perverted by the foolish, or that the children of men in any age or climate of the world have ever yet beheld; the same instruments, the same movements, the same artists, the same doctrines, the same doctors, the same servile and infuriate contempt of humanity, and persecution of freedom; the same shadows of

the varying hour that extend or contract their length, as the beam of a rising or sinking sun plays upon the gnomon of self-interest! How demonstratively does the same appetite for mice authenticate the identity of the transformed princess that had once been a cat.

But it seems as if the whole order and arrangement of the moral and the physical world had been contrived for the instruction of man, and to warn him that he is not immortal. In every age, in every country, do we see the natural rise, advancement, and decline of virtue and of science. So it has been in Greece, in Rome; so it must be, I fear, the fate of England. In science, the point of its maturity and manhood is the commencement of its old age; the race of writers and thinkers and reasoners passes away and gives place to a succession of men that can neither write, nor think, nor reason. The Hales, the Holts, and the Somers shed a transient light upon mankind, but are soon extinct and disappear, and give place to a superficial and overweening generation of laborious and strenuous idlers,—of silly scholiasts, of wrangling mooters, of prosing garrulists, who explore their darkling ascent upon the steps of science, by the balustrade of cases and manuscripts, who calculate their depth by their darkness, and fancy they are profound because they feel they are perplexed. When the race of the Palladios is extinct, you may expect to see a clumsy hod-man collected beneath the shade of his shoulders,

ανηρ ηυεστε μεγαστε
Εξοχος ανθρωπων κεφαλην και ευρεας ωμους,

affecting to fling a builder's glance upon the temple, on the proportion of its pillars; and to pass a critic's judgment on the doctrine that should be preached within them.

Let it not, my lords, be considered amiss, that I take this up rather as an English than an Irish question. It is not merely because we have no Habeas Corpus law in existence (the antiquarian may read of it, though we do not enjoy it); it is not merely because my mind refuses to itself the delusion of imaginary freedom, and shrinks from the meanness of affecting an indignant haughtiness of spirit that belongs not to our condition, that I am disposed to argue it as an English question; but it is because I am aware that we have now a community of interest and of destiny that we never had before—because I am aware,

that, blended as we now are, the liberty of man must fall where it is highest, or rise where it is lowest, till it find its common level in the common empire — and because, also, I wish that Englishmen may see that we are conscious that nothing but mutual benevolence and sympathy can support the common interest that should bind us against the external or the intestine foe; and that we are willing, whenever the common interest is attacked, to make an honest and animated resistance, as in a common cause, and with as cordial and tender anxiety for their safety as for our own.

Let me now briefly, because no subject can be shorter or plainer, consider the principle of local jurisdictions, and constructive crimes.

A man is bound to obedience, and punishable for disobedience of laws: Firstly, because, by living within their jurisdiction, he avails himself of their protection; and this is no more than the reciprocality of protection and allegiance on a narrower scale; and, secondly, because, by so living within their jurisdiction, he has the means of knowing them, and cannot be excused because of his ignorance of them. I should be glad to know, upon the authority of what manuscript, of what pocket-case, the soundness of these principles can be disputed. I should be glad to know upon what known principle of English law, a Chinese or a Laplander can be kidnaped into England and arraigned for a crime which he committed under the pole, to the injury of a country which he had never seen — in violation of a law which he had never known, and to which he could not owe obedience — and, perhaps, for an act, the nonperformance of which he might have forfeited his liberty or his life to the laws of that country which he was bound to know and was bound to obey. Very differently did our ancestors think of that subject. They thought it essential to justice that the jurisdiction of criminal law should be local and defined; that no man should be triable but there, where he was accused of having actually committed the offense; where the character of the prosecutor, where his own character was known, as well as the characters of the witnesses produced against him; and where he had the authority of legal process to enforce the attendance of witnesses for his defense. They were too simple to know anything of the equity of criminal law. Poor Bracton or Fleta would have stared if you had asked them: "What, gentlemen, do you mean to say that such a crime as this

shall escape from punishment?" Their answer would have been, no doubt, very simple and very foolish. They would have said: "We know there are many actions that we think bad actions, which yet are not punishable, because not triable by law; and that are not triable, because of the local limits of criminal jurisdictions." And, my lords, to show with what a religious scrupulosity the locality of jurisdictions was observed, you have an instance in the most odious of all offenses, treason only excepted —I mean the crime of willful murder. By the common law, if a man in one county procured a murder to be committed which was afterwards actually committed in another, such procurer could not be tried in either jurisdiction, because the crime was not completed in either. This defect was remedied by the act of Edward VI. which made the author of the crime amenable to justice. But in what jurisdiction did it make him amenable? Was it there where the murder was actually perpetrated? By no means, but there only where he had been guilty of the procurement, and where alone his accessorial offense was completed. And here you have the authority of Parliament for this abstract position, that where a man living in one jurisdiction does an act, in consequence of which a crime is committed within another jurisdiction, he is by law triable only where his own personal act of procurement was committed, and not there where the procured or projected crime actually took effect. In answer to these known authorities of common law, has any statute, has a single decision or even dictum of a court, been adduced? Or, in an age when the pastry cooks and snuff-shops have been defrauded of their natural right to these compositions that may be useful without being read, has even a single manuscript been offered to show the researches of these learned prosecutors, or to support their cause? No, my lords; there has not.

I said, my lords, that this was a fruit from the same tree that produced the stupid and wicked prosecutions of 1794: let me not be supposed to say it is a mere repetition of that attempt, without any additional aggravation. In 1794, the design, and odious enough it was, was confined to the doctrine of constructive guilt, but it did not venture upon the atrocious outrage of a substituted jurisdiction; the Englishman was tried on English ground, where he was known, where he could procure his witnesses, where he had lived, and where he was accused of a crime, whether actual or constructive, but the locality of the trial de-

feated the infernal malice of those prosecutions. The speeches of half the natural day, where every juryman had his hour, were the knell of sleep, but they were not the knell of death. The project was exposed, and the destined victims were saved. A piece so damned could not safely be produced again on the same stage. It was thought wise, therefore, to let some little time pass, and then to let its author produce it on some distant provincial theatre for his own benefit, and at his own expense and hazard. To drag an English judge from his bench, or an English member of parliament from the Senate, and in the open day, in the city of London, to strap him to the roof of a mail coach, or pack him up in a wagon, or hand him over to an Irish bailiff, with a rope tied about his leg, to be goaded forward like an ox, on his way to Ireland, to be there tried for a constructive misdemeanor, would be an experiment, perhaps, not very safe to be attempted. These Merlins, therefore, thought it prudent to change the scene of their sorcery.

Modo Romæ, modo ponit Athenis!

The people of England might, perhaps, enter into the feelings of such an exhibition with an officiousness of sympathy, not altogether for the benefit of the contrivers—

Nec natos coram populo Medea trucidet—

and it was thought wise to try the second production before spectators whose necks were pliant, and whose hearts were broken; where every man who dared to refuse his worship to the golden calf would have the furnace before his eyes and think that it was at once useless and dangerous to speak, and discreet, at least, if it were not honest, to be silent. I cannot deny that it was prudent to try an experiment, that, if successful, must reduce an Englishman to a state of slavery more abject and forlorn than that of the helots of Sparta, or the negroes of your plantations—for see, my lords, the extent of the construction now broadly and directly contended for at your bar. The King's peace in Ireland, it seems, is distinct from his peace in England, and both are distinct from his peace in Scotland; and, of course, the same act may be a crime against each distinct peace, and severally and successively punishable in each country—so much more inveterate is the criminality of a constructive than of an actual offense. So that the same man for the same act against laws

that he never heard of may be punished in Ireland, be then sent to England by virtue of the warrant of Mr. Justice Bell, indorsed by my Lord Ellenborough, and, after having his health, his hopes, and his property destroyed for his constructive offenses against his Majesty's peace in Ireland, and his Majesty's peace in England, he may find that his Majesty's peace in the Orkneys has, after all, a vested remainder in his carcass; and, if it be the case of a libel, for the full time and term of fourteen years from the day of his conviction before the Scottish jurisdiction, to be fully completed and determined. Is there, my lords, can there be a man who hears me, that does not feel that such a construction of such a law would put every individual in society under the despotical dominion, would reduce him to be the despicable chattel of those most likely to abuse their power, the profligate of the higher, and the abandoned of the lower orders; to the remorseless malice of a vindictive minister, to the servile instrumentality of a trading justice? Can any man who hears me conceive any possible case of abduction, of rape, or of murder, that may not be perpetrated under the construction now shamelessly put forward? Let us suppose a case: By this construction a person in England, by procuring a misdemeanor to be committed in Ireland, is constructively guilty in Ireland, and, of course, triable in Ireland — let us suppose that Mr. Justice Bell receives, or says he receives, information that the lady of an English nobleman wrote a letter to an Irish chambermaid, counseling her to steal a row of pins from an Irish peddler, and that the said row of pins was, in consequence of such advice and counsel, actually stolen, against the Irish peace of our lord the King; suppose my Lord Ellenborough, knowing the signature, and reverencing the virtue of his tried and valued colleague, indorses this warrant; is it not clear as the sun that this English lady may, in the dead of night, be taken out of her bed and surrendered to the mercy of two or three Irish bailiffs, if the captain that employed them should happen to be engaged in any cotemporary adventure nearer to his heart, without the possibility of any legal authority interposing to save her, to be matronized in a journey by land and a voyage by sea, by such modest and respectable guardians, to be dealt with during the journey as her companions might think proper — and to be dealt with after by the worshipful correspondent of the noble and learned lord, Mr. Justice Bell, according to law? I can, without

much difficulty, my lords, imagine that after a year or two had been spent in accounts current, in drawing and redrawing for human flesh, between our worthy Bells and Medlicots on this side of the water, and their noble or their ignoble correspondents on the other, that they might meet to settle their accounts, and adjust their balances; I can conceive that the items might not be wholly destitute of curiosity: — Brother B., I take credit for the body of an English patriot. Brother E., I set off against it that of an Irish judge. Brother B., I charge you in account with three English bishops. Brother E., I set off Mrs. M'Lean and two of her chickens; petticoat against petticoat. Brother B., I have sent you the body of a most intractable disturber, a fellow that has had the impudence to give a threshing to Bonaparte himself; I have sent you Sir Sidney — Dearest brother E. But I see my learned opponents smile — I see their meaning. I may be told that I am putting imaginary and ludicrous, but not probable, and therefore, not supposable cases. But I answer, that reasoning would be worthy only of a slave, and disgraceful to a freeman. I answer, that the condition and essence of rational freedom is, not that the subject probably will not be abused, but that no man in the State shall be clothed with any discretionary power, under the color and pretext of which he can dare to abuse him. As to probability I answer that in the mind of man there is no more instigating temptation to the most remorseless oppression than the rancor and malice of irritated pride and wounded vanity. To the argument of improbability, I answer, the very fact, the very question in debate, nor to such answer can I see the possibility of any reply, save that the prosecutors are so heartily sick of the point of view into which they have put themselves by their prosecution, that they are not likely again to make a similar experiment. But when I see any man fearless of power, because it possibly, or probably, may not be exercised upon him, I am astonished at his fortitude; I am astonished at the tranquil courage of any man who can quietly see that a loaded cannon is brought to bear upon him, and that a fool is sitting at its touch-hole with a lighted match in his hand. And yet, my lords, upon a little reflection, what is it, after what we have seen, that should surprise us, however it may shock us? What have the last ten years of the world been employed in, but in destroying the landmarks of rights and duties and obligations; in substituting sounds in the place of sense; in substituting

a vile and canting methodism in the place of social duty and practical honor; in suffering virtue to evaporate into phrase, and morality into hypocrisy and affectation? We talk of the violations of Hamburg or of Baden; we talk of the despotical and remorseless barbarian who tramples on the common privileges of the human being; who, in defiance of the most known and sacred rights, issues the brutal mandate of usurped authority; who brings his victim by force within the limits of a jurisdiction to which he never owed obedience, and there butchers him for a constructive offense. Does it not seem as if it were a contest whether we should be more scurrilous in invective, or more atrocious in imitation? Into what a condition must we be sinking, when we have the front to select as the subjects of our obloquy, those very crimes which we have flung behind us in the race of profligate rivality!

My lords, the learned counsel for the prosecutors have asserted that this act of the forty-fourth of the King extends to all offenses, no matter how long or previously to it they may have been committed. The words are: "That from and after the first day of August, 1804, if any person, etc., shall escape, etc." Now, certainly nothing could be more convenient for the purpose of the prosecutors than to dismiss, as they have done, the words, "escape and go into," altogether. If those words could have been saved from the ostracism of the prosecutors, they must have designated some act of the offenders, upon the happening or doing of which the operation of the statute might commence; but the temporary bar of these words they waive by the equity of their own construction, and thereby make it a retrospective law; and having so construed it a manifestly *ex post facto* law, they tell you it is no such thing, because it creates no new offense, and only makes the offender amenable who was not so before. The law professes to take effect only from and after the first of August, 1804. Now for eighteen months before that day, it is clear that Mr. Johnson could not be removed, by any power existing, from his country and his dwellings; but at the moment the act took effect, it is made to operate upon an alleged offense, committed, if at all, confessedly eighteen months before. But another word as to the assertion that it is not *ex post facto*, because it creates no new crime, but only makes the party amenable. The force of that argument is precisely this: If this act inflicted deportation on the defendant by way of punishment after his guilt had been

established by conviction, that would, no doubt, be tyrannical, because *ex post facto;* but here he suffers the deportation, while the law is bound to suppose him perfectly innocent; and that only by way of process to make him amenable, not by way of punishment: and surely he cannot be so unreasonable as not to feel the force of the distinction.

How naturally, too, we find similar outrages resort to similar justifications! Such exactly was the defense of the forcible entry into Baden. Had that been a brutal violence, committed in perpetration of the murder of the unfortunate victim, perhaps very scrupulous moralists might find something in it to disapprove; but his imperial Majesty was too delicately tender of the rights of individuals and of nations to do any act so flagrant as that would be, if done in that point of view; but his imperial Majesty only introduced a clause of *ne omittas* into his warrant, whereby the worshipful Bells and Medlicots that executed it were authorized to disregard any supposed fantastical privilege of nations that gave sanctuary to traitors; and he did that from the purest motives; from as disinterested a love of justice as that of the present prosecutors, and not at all in the way of an *ex post facto* law, but merely as process to bring him in and make him amenable to the competent and unquestionable jurisdiction of the *Bois de Boulogne.* Such are the wretched sophistries to which men are obliged to have recourse, when their passions have led them to do what no thinking man can regard without horror; what they themselves cannot look at without shame; and for which no legitimate reasoning can suggest either justification or excuse. Such are the principles of criminal justice, on which the first experiment is made in Ireland; but I venture to pledge myself to my fellow-subjects of Great Britain, that if the experiment succeed, they shall soon have the full benefit of that success. I venture to promise them, they shall soon have their full measure of this salutary system for making men "amenable," heaped and running over into their bosoms.

There now remains, my lords, one, and only one topic of this odious subject, to call for observation. The offense here appears by the return and the affidavits to be a libel upon the Irish government, published by construction in Westminster. Of the constructive commission of a crime in one place by an agent, who, perhaps, at the moment of the act, is in another hemisphere, you have already enough; here, therefore, we will con-

sider it simply as an alleged libel upon the Irish government; and whether, as such, it is a charge coming within the meaning of the statute, and for which a common justice of peace in one kingdom is empowered to grant a warrant for conveying the person accused for trial into the other. Your lordships will observe that in the whole catalogue of crimes for which a justice of peace may grant a warrant, there is not one that imposes upon him the necessity of deciding upon any matter of law, involving the smallest doubt or difficulty whatsoever. In treason, the overt act; in felony, whether capital or not, the act; in misdemeanors, the simple act; the dullest justice can understand what is a breach of the peace, and can describe it in his warrant. It is no more than the description of a fact which the informer has seen and sworn to. But no libel comes within such a class, for it is decided over and over that a libel is no breach of the peace; and upon that ground it was that Mr. Wilkes in 1763 was allowed the privilege of parliament, which privilege does not extend to any breach of the peace.

See, then, my lords, what a task is imposed upon a justice of the peace, if he be to grant such a warrant upon such a charge; he no doubt may easily comprehend the allegation of the informer as to the fact of writing the supposed libel. In deciding whether the facts sworn amounted to a publication or not, I should have great apprehension of his fallibility, but if he got over those difficulties, I should much fear for his competency to decide what given facts would amount to a constructive publication. But even if he did solve that question, a point on which, if I were a justice, I should acknowledge myself most profoundly ignorant, he would then have to proceed to a labor in which I believe no man could expect him to succeed; that is, how far the paper sworn to was, in point of legal construction, libellous or not. I trust this court will never be prevailed upon to sanction, by its decision, a construction that would give to such a set of men a power so incompatible with every privilege of liberty or of law. To say it would give an irresistible power of destroying the liberty of the press in Ireland, would, I am aware, be but a silly argument, where such a thing has long ceased to exist; but I have for that very reason a double interest now, as a subject of the empire, in that noble guardian of liberty in the sister nation. When my own lamp is broken, I have a double interest in the preservation of my neighbor's. But if every man in Eng-

land, who dares to observe, no matter how honestly and justly, upon the conduct of Irish ministers, is liable to be torn from his family, and dragged hither by an Irish bailiff, for a constructive libel against the Irish government, and upon the authority of an Irish warrant, no man can be such a fool as not to see the consequence. The inevitable consequence is this: that at this awful crisis, when the weal, not of this empire only, but of the whole civilized world, depends on the steady faith and the consolidated efforts of these two countries; when Ireland is become the right arm of England; when everything that draws the common interest and affection closer gives the hope of life; when everything that has even a tendency to relax that sentiment is a symptom of death,—even at such a crisis may the rashness or folly of those intrusted with its management so act as to destroy its internal prosperity and repose, and lead it into the twofold, fatal error of mistaking its natural enemies for its friends, and its natural friends for its natural enemies; without any man being found so romantically daring as to give notice of the approaching destruction.

My lords, I suppose the learned counsel will do here what they have done in the other court; they will assert that this libel is not triable here; and they will argue that so false and heinous a production surely ought to be triable somewhere. As to the first position, I say the law is directly against them. From a very early stage of the discussion, the gentlemen for the prosecution thought it wise for their clients to take a range into the facts much more at large than they appeared on the return to the writ, or even by the affidavits that have been made; and they have done this to take the opportunity of aggravating the guilt of the defendant, and at the same time of panegyrizing their clients; they have therefore not argued upon the libel generally as a libel, but they thought it prudent to appear perfectly acquainted with the charges which it contains; they have therefore assumed that it relates to the transactions of the twenty-third of July, 1803, and that the guilt of the defendant was that he wrote that letter in Ireland, which was afterwards published in England, not by himself but by some other persons. Now, on these facts nothing can be clearer than that he is triable here. If it be a libel, and if he wrote it here, and it was published in England, most manifestly there must have been a precedent publication, not merely by construction of law, in Ireland, but a

publication by actual fact; and for this plain reason, if you for a moment suppose the libel in his possession (and if he did in fact write it, I can scarcely conceive that it was not, unless he wrote it perhaps by construction), there were no physical means of transmitting it to England that would not amount to a publication here; because, if he put it into the post office, or gave it to a messenger to carry thither, that would be complete evidence of publication against him; so would the mere possession of the paper in the hands of the witness who appeared and produced it, be perfect evidence, if not accounted for or contradicted, to charge him with the publication; so that really I am surprised how gentlemen could be betrayed into positions so utterly without foundation. They would have done just as usefully for their clients if they had admitted, what every man knows to be the fact, that is, that they durst not bring the charge before an Irish jury. The facts of that period were too well understood. The Irish public might have looked at such a prosecution with the most incredulous detestation; and if they had been so indiscreet as to run the risk of coming before an Irish jury, instead of refuting the charges against them as a calumny, they would have exposed themselves to the peril of establishing the accusation, and of raising the character of the man whom they had the heart to destroy because he had dared to censure them. Let not the learned gentlemen, I pray, suppose me so ungracious as to say that this publication, which has given so much pain to their clients, is actually true; I cannot personally know it to be so, nor do I say so, nor is this the place or the occasion to say that it is so. I mean only to speak positively to the question before you which is matter of law. But as the gentlemen themselves thought it meet to pronounce a eulogy on their clients, I thought it rather unseemly not to show that I attended to them; I have most respectfully done so; I do not contradict any praise of their virtues or their wisdom, and I only wish to add my very humble commendation of their prudence and discretion in not bringing the trial of the present libel before a jury of this country.

The learned counsel have not been contented with abusing this libel as a production perfectly known to them; but they have wandered into the regions of fancy. No doubt the other judges, to whom those pathetic flights of forensic sensibility were addressed, must have been strongly affected by them. The learned gentlemen have supposed a variety of possible cases. They have

supposed cases of the foulest calumniators aspersing the most virtuous ministers. Whether such supposed cases have been suggested by fancy or by fact, it is not for me to decide; but I beg leave to say that it is as allowable to us as to them to put cases of supposition:—

——— *Cur ego si fingere pauca*
Possum, invidear?

Let me, then, my lords, put an imaginary case of a different kind. Let me suppose that a great personage, intrusted with the safety of the citadel (meaning and wishing perhaps well, but misled by those lacquered vermin that swarm in every great hall), leaves it so loosely guarded that nothing but the gracious interposition of Providence has saved it from the enemy. Let me suppose another great personage going out of his natural department, and, under the supposed authority of high station, disseminating such doctrines as tend to root up the foundation of society; to destroy all confidence between man and man; and to impress the great body of the people with a delusive and desperate opinion, that their religion could dissolve or condemn the sacred obligations that bind them to their country, and that their rulers have no reliance upon their faith, and are resolved to shut the gates of mercy against them.

Suppose a good and virtuous man saw that such doctrines must necessarily torture the nation into such madness and despair, as to render them unfit for any system of mild or moderate government; that if, on one side, bigotry or folly shall inject their veins with fire, such a fever must be kindled as can be allayed only by keeping a stream of blood perpetually running from the other, and that the horrors of martial law must become the direful but inevitable consequence. In such a case, let me ask you what would be his indispensable duty? It would be to avert such dreadful dangers by exposing the conduct of such persons, by holding up the folly of such bigoted and blind enthusiasm to condign derision and contempt, and painfully would he feel that on such an occasion he must dismiss all forms and ceremonies, and that to do his duty with effect he must do it without mercy. He should also foresee that a person so acting, when he returned to those to whom he was responsible, would endeavor to justify himself by defaming the country which he had abused—for calumny is the natural defense of the oppressor; he should, there-

fore, so reduce his personal credit to its just standard, that his assertions might find no more belief than they deserved. Were such a person to be looked on as a mere private individual, charity and good-nature might suggest not a little in his excuse. An inexperienced man, new to the world, and in the honeymoon of preferment, would run no small risk of having his head turned in Ireland. The people in our island are by nature penetrating, sagacious, artful, and comic — *natio comæda est.* In no country under heaven would an ass be more likely to be hoodwinked, by having his ears drawn over his eyes, and acquire that fantastical alacrity that makes dullness disposable to the purpose of humorous malice, or interested imposture. In Ireland, a new great man could get the freedom of a science as easily as of a corporation, and become a doctor, by construction, of the whole Encyclopædia, and great allowance might be made under such circumstances for indiscretions and mistakes, as long as they related only to himself; but the moment they become public mischiefs, they lose all pretensions to excuse — the very ambition of incapacity is a crime not to be forgiven, and however painful it may be to inflict, it must be remembered that mercy to the delinquent would be treason to the public.

I can the more easily understand the painfulness of the conflict between charity and duty, because at this moment I am laboring under it myself; and I feel it the more acutely, because I am confident that the paroxysms of passion that have produced these public discussions have been bitterly repented of. I think, also, that I should not act fairly if I did not acquit my learned opponents of all share whatsoever in this prosecution — they have too much good sense to have advised it; on the contrary, I can easily suppose Mr. Attorney-General sent for to give counsel and comfort to his patient; and after hearing no very concise detail of his griefs, his resentments, and his misgivings, methinks I hear the answer that he gives, after a pause of sympathy and reflection: "No, sir, don't proceed in such a business; you will only expose yourself to scorn in one country, and to detestation in the other. You know you durst not try him here, where the whole kingdom would be his witness. If you should attempt to try him there, where he can have no witness, you will have both countries upon your back. An English jury would never find him guilty. You will only confirm the charge against yourself; and be the victim of an impotent, abortive malice. If you should

have any ulterior project against him, you will defeat that also; for those that might otherwise concur in the design will be shocked and ashamed of the violence and folly of such a tyrannical proceeding, and will make a merit of protecting him and of leaving you in the lurch. What you say of your own feelings, I can easily conceive. You think you have been much exposed by those letters; but then remember, my dear sir, that a man can claim the privilege of being made ridiculous or hateful by no publications but his own.

Vindictive critics have their rights, as well as bad authors. The thing is bad enough at best; but if you go on, you will make it worse — it will be considered an attempt to degrade the Irish bench and the Irish bar; you are not aware what a nest of hornets you are disturbing. One inevitable consequence you don't foresee; you will certainly create the very thing in Ireland that you are so afraid of — a newspaper; think of that, and keep yourself quiet; and, in the meantime, console yourself with reflecting that no man is laughed at for a long time: every day will procure some new ridicule that must supersede him." Such, I am satisfied, was the counsel given; but I have no apprehension for my client, because it was not taken. Even if it should be his fate to be surrendered to his keepers, to be torn from his family; to have his obsequies performed by torch light; to be carried to a foreign land, and to a strange tribunal, where no witness can attest his innocence; where no voice that he ever heard can be raised in his defense; where he must stand mute, not of his own malice, but the malice of his enemies — yes, even so, I see nothing for him to fear. That all gracious Being that shields the feeble from the oppressor will fill his heart with hope and confidence and courage; his sufferings will be his armor, and his weakness will be his strength; he will find himself in the hands of a brave, a just, and a generous nation; he will find that the bright examples of her Russels and her Sidneys have not been lost to her children; they will behold him with sympathy and respect, and his persecutors with shame and abhorrence; they will feel, too, that what is then his situation may to-morrow be their own — but their first tear will be shed for him, and the second only for themselves; their hearts will melt in his acquittal; they will convey him kindly and fondly to their shore; and he will return in triumph to his country, to the threshold of his sacred home, and to the weeping welcome of his

delighted family; he will find that the darkness of a dreary and a lingering night hath at length passed away, and that joy cometh in the morning. No, my lords, I have no fear for the ultimate safety of my client. Even in these very acts of brutal violence that have been committed against him, do I hail the flattering hope of final advantage to him, and of better days and more prosperous fortune for this afflicted country — that country of which I have so often abandoned all hope, and which I have been so often determined to quit forever.

Sæpe vale dicto multa sum deinde locutus
Et quasi discedens oscula summa dabam,
Indulgens animo, pes tardus erat.

But I am reclaimed from that infidel despair — I am satisfied that while a man is suffered to live, it is an intimation from Providence that he has some duty to discharge, which it is mean and criminal to decline; had I been guilty of that ignominious flight, and gone to pine in the obscurity of some distant retreat, even in that grave I should have been haunted by those passions by which my life had been agitated —

Quæ cura vivos,
Eadem sequitur tellure repostos.

And, if the transactions of this day had reached me, I feel how my heart would have been agonized by the shame of the desertion; nor would my sufferings have been mitigated by a sense of the feebleness of that aid, or the smallness of that service which I could render or withdraw. They would have been aggravated by the consciousness that, however feeble or worthless they were, I should not have dared to thieve them from my country. I have repented; I have stayed; and I am at once rebuked and rewarded by the happier hopes that I now entertain. In the anxious sympathy of the public, in the anxious sympathy of my learned brethren, do I catch the happy presage of a brighter fate for Ireland. They see that within these sacred walls, the cause of liberty and of man may be pleaded with boldness and heard with favor. I am satisfied they will never forget the great trust, of which they alone are now the remaining depositaries. While they continue to cultivate a sound and literate philosophy, a mild and tolerating Christianity, and to make both the sources of a just and liberal and constitutional jurisprudence, I see every-

thing for us to hope. Into their hands, therefore, with the most affectionate confidence in their virtue, do I commit these precious hopes. Even I may live long enough yet to see the approaching completion, if not the perfect accomplishment of them. Pleased shall I then resign the scene to fitter actors; pleased shall I lay down my wearied head to rest, and say: "Lord, now lettest thou thy servant depart in peace, according to thy word; for mine eyes have seen thy salvation."

FOR PETER FINNERTY AND FREE SPEECH

(From the Speech at the Trial of Finnerty for Libel, December 22d, 1797)

I TELL you, therefore, gentlemen of the jury, it is not with respect to Mr. Orr, or Mr. Finnerty, that your verdict is now sought. You are called upon, on your oaths, to say that the government is wise and merciful — the people prosperous and happy; that military law ought to be continued; that the constitution could not with safety be restored to Ireland; and that the statements of a contrary import by your advocates, in either country, are libellous and false.

I tell you these are the questions; and I ask you, if you can have the front to give the expected answer in the face of a community who know the country as well as you do. Let me ask you how you could reconcile with such a verdict, the gaols, the tenders, the gibbets, the conflagrations, the murders, the proclamations that we hear of every day in the streets, and see every day in the country. What are the prosecutions of the learned counsel himself, circuit after circuit? Merciful God! what is the state of Ireland, and where shall you find the wretched inhabitant of this land? You may find him, perhaps, in a gaol, the only place of security — I had almost said of ordinary habitation! If you do not find him there, you may see him flying with his family from the flames of his own dwelling — lighted to his dungeon by the conflagration of his hovel; or you may find his bones bleaching on the green fields of his country; or you may find him tossing on the surface of the ocean, and mingling his groans with those tempests, less savage than his persecutors, that drift him to a returnless distance from his family and his home, without charge, or trial, or sentence. Is this a foul misrepresentation? Or can you, with these facts ringing in your ears, and

staring in your face, say, upon your oaths, they do not exist? You are called upon, in defiance of shame, of truth, of honor, to deny the sufferings under which you groan, and to flatter the persecution that tramples you under foot.

Gentlemen, I am not accustomed to speak of circumstances of this kind; and though familiarized as I have been to them, when I come to speak of them, my power fails me — my voice dies within me. I am not able to call upon you. It is now I ought to have strength; it is now I ought to have energy and voice. But I have none; I am like the unfortunate state of the country, — perhaps like you. This is the time in which I ought to speak, if I can, or be dumb forever; in which, if you do not speak as you ought, you ought to be dumb forever.

But the learned gentleman is further pleased to say that the traverser has charged the Government with the encouragement of informers. This, gentlemen, is another small fact that you are to deny at the hazard of your souls and upon the solemnity of your oaths. You are upon your oaths to say to the sister country that the government of Ireland uses no such abominable instruments of destruction as informers. Let me ask you honestly, What do you feel when, in my hearing, when, in the face of this audience, you are called upon to give a verdict that every man of us, and every man of you, know, by the testimony of your own eyes, to be utterly and absolutely false? I speak not now of the public proclamation for informers, with a promise of secrecy and of extravagant reward; I speak not of the fate of those horrid wretches who have been so often transferred from the table to the dock, and from the dock to the pillory; I speak of what your own eyes have seen, day after day, during the course of this commission, from the box where you are now sitting; the number of horrid miscreants who acknowledged upon their oaths that they had come from the seat of government — from the very chambers of the Castle — where they had been worked upon by the fear of death and the hope of compensation, to give evidence against their fellows; that the mild, the wholesome, and merciful councils of this government are holden over these catacombs of living death, where the wretch that is buried a man lies till his heart has time to fester and dissolve, and is then dug up a witness!

Is this a picture created by a hag-ridden fancy, or is it a fact? Have you not seen him, after his resurrection from that region

of death and corruption, make his appearance upon the table, the living image of life in death, and the supreme arbiter of both? Have you not marked when he entered how the stormy wave of the multitude retired at his approach? Have you not seen how the human heart bowed to the supremacy of his power, in the undissembled homage of deferential horror? how his glance, like the lightning of heaven, seemed to rive the body of the accused and mark it for the grave, while his voice warned the devoted wretch of woe and death — a death which no innocence can escape, no art elude, no force resist, no antidote prevent? There was an antidote — a juror's oath! — but even that adamantine chain that bound the integrity of man to the throne of eternal justice is solved and molten in the breath that issues from the informer's mouth; conscience swings from her moorings, and the appalled and affrighted juror consults his own safety in the surrender of the victim: —

Et quæ sibi quisque timebat,
Unius in miseri exitium conversa tulere.

Informers are worshiped in the temple of justice, even as the devil has been worshiped by Pagans and savages; even so in this wicked country is the informer an object of judicial idolatry; even so is he soothed by the music of human groans; even so is he placated and incensed by the fumes and by the blood of human sacrifices.

THE DIVERSIONS OF A MARQUIS

(From the Speech in Behalf of Rev. Charles Massy against the Marquis of Headford, who Eloped with Mrs. Massy; at the Ennis County Assizes, July 27th, 1804)

In the middle of the day, at the moment of Divine worship, when the miserable husband was on his knees, directing the prayers and thanksgiving of his congregation to their God, that moment did the remorseless adulterer choose to carry off the deluded victim from her husband, from her child, from her character, from her happiness, as if, not content to leave his crime confined to its miserable aggravations, unless he gave it a cast and color of factitious sacrilege and impiety. Oh! how happy had it been when he arrived at the bank of the river

with the ill-fated fugitive, ere yet he had committed her to that boat, of which, like the fabled barque of Styx, the exile was eternal — how happy at that moment, so teeming with misery and shame, if you, my lord, had met him, and could have accosted him in the character of that good genius which had abandoned him! How impressively might you have pleaded the cause of the father, of the child, of the mother, and even of the worthless defendant himself! You would have said, "Is this the requital that you are about to make for respect, and kindness, and confidence in your honor? Can you deliberately expose this young man, in the bloom of life, with all his hopes before him? Can you expose him, a wretched outcast from society, to the scorn of a merciless world? Can you set him a drift upon the tempestous ocean of his own passions, at this early season when they are most headstrong; and can you cut him out from the moorings of those domestic obligations by whose cable he might ride at safety from their turbulence? Think of, if you can conceive it, what a powerful influence arises from the sense of home, from the sacred religion of the hearth in quelling the passions, in reclaiming the wanderings, in correcting the discords of the human heart; do not cruelly take from him the protection of these attachments. But if you have no pity for the father, have mercy, at least, upon his innocent and helpless child; do not condemn him to an education scandalous or neglected; do not strike him into that most dreadful of all human conditions, the orphanage that springs not from the grave, that falls not from the hand of Providence, or the stroke of death, but comes before its time, anticipated and inflicted by the remorseless cruelty of parental guilt." For the poor victim herself,—not yet immolated, —while yet balancing upon the pivot of her destiny, your heart could not be cold, nor your tongue be wordless. You would have said to him, "Pause, my lord, while there is yet a moment for reflection. What are your motives, what your views, what your prospects from what you are about to do? You are a married man, the husband of the most amiable and respectable of women; you cannot look to the chance of marrying this wretched fugitive; between you and such an event there are two sepulchres to pass. What are your inducements? Is it love, think you? No; do not give that name to any attraction you can find in the faded refuse of a violated bed. Love is a noble and generous passion; it can be founded only on a pure and ardent friendship, on an

exalted respect, on an implicit confidence in its object. Search your heart, examine your judgment, do you find the semblance of any one of these sentiments to bind you to her? What could degrade a mind to which nature or education had given port, or stature, or character, into a friendship for her? Could you repose upon her faith? Look in her face, my lord; she is at this moment giving you the violation of the most sacred of human obligations at the pledge of her fidelity. She is giving you the most irrefragable proof that, as she is deserting her husband for you, so she would, without a scruple, abandon you for another. Do you anticipate any pleasure you might feel in the possible event of your becoming the parents of a common child? She is at this moment proving to you that she is as dead to the sense of parental as of conjugal obligation; and that she would abandon your offspring to-morrow with the same facility with which she now deserts her own. Look then at her conduct, as it is, as the world must behold it, blackened by every aggravation that can make it either odious or contemptible, and unrelieved by a single circumstance of mitigation that could palliate its guilt or retrieve it from abhorrence." . . .

"Here is not the case of an unmarried woman, with whom a pure and generous friendship may insensibly have ripened into a more serious attachment, until at last her heart became too deeply pledged to be reassumed. If so circumstanced, without any husband to betray, or child to desert, or motive to restrain, except what related solely to herself, her anxiety for your happiness made her overlook every other consideration and commit her history to your honor; in such a case (the strongest and the highest that man's imagination can suppose), in which you at least could see nothing but the most noble and disinterested sacrifice; in which you could find nothing but what claimed from you the most kind and exalted sentiment of tenderness and devotion and respect, and in which the most fastidious rigor would find so much more subject for sympathy than blame,—let me ask you, could you, even in that case, answer for your own justice and gratitude? I do not allude to the long and pitiful catalogue of paltry adventures, in which it seems your time has been employed,—the coarse and vulgar succession of casual connections, joyless, loveless, and unendeared; but do you not find upon your memory some trace of an engagement of the character I have sketched? Has not your sense of what you would

owe in such a case, and to such a woman, been at least once put to the test of experiment? Has it not once at least happened that such a woman, with all the resolution of strong faith, flung her youth, her hope, her beauty, her talent, upon your bosom, weighed you against the world, which she found but a feather in the scale, and took you as an equivalent? How did you then acquit yourself? Did you prove yourself worthy of the sacred trust reposed in you? Did your spirit so associate with hers as to leave her no room to regret the splendid and disinterested sacrifice she had made? Did her soul find a pillow in the tenderness of yours, and support in its firmness? Did you preserve her high in your own consciousness, proud in your admiration and friendship, and happy in your affection? You might have so acted, and the man that was worthy of her would have perished rather than not so act, as to make her delighted with having confided so sacred a trust to his honor. Did you so act? Did she feel that, however precious to your heart, she was still more exalted and honored in your reverence and respect? Or did she find you coarse and paltry, fluttering and unpurposed, unfeeling, and ungrateful? You found her a fair and blushing flower, its beauty and its fragrance bathed in the dews of heaven. Did you so tenderly transplant it as to preserve that beauty and fragrance unimpaired? Or did you so rudely cut it as to interrupt its nutriment, to waste its sweetness, to blast its beauty, to bow down its faded and sickly head? And did you at last fling it like 'a loathsome weed away'? If then to such a woman, so clothed with every title that could ennoble, and exalt, and endear her to the heart of man, you would be cruelly and capriciously deficient, how can a wretched fugitive like this, in every point her contrast, hope to find you just? Send her then away. Send her back to her home, to her child, to her husband, to herself." Alas, there was none to hold such language to this noble defendant; he did not hold it to himself. But he paraded his despicable prize in his own carriage, with his own retinue, his own servants — this veteran Paris hawked his enamored Helen from this western quarter of the island to a seaport in the eastern, crowned with the acclamations of a senseless and grinning rabble, glorying and delighted, no doubt, in the leering and scoffing admiration of grooms and ostlers and waiters as he passed.

AGAINST PENSIONS

(Delivered in the Irish Parliament, March 13th, 1786, in Support of a Bill Limiting Pensions)

I OBJECT to adjourning this bill to the first of August, because I perceive in the present disposition of the House that a proper decision will be made upon it this night. We have set out upon our inquiry in a manner so honorable, and so consistent, that we have reason to expect the happiest success, which I would not wish to see baffled by delay.

We began with giving the full affirmative of this House, that no grievance exists at all; we considered a simple matter of fact, and adjourned our opinion; or rather, we gave sentence on the conclusion, after having adjourned the premises. But I do begin to see a great deal of argument in what the learned baronet has said, and I beg gentlemen will acquit me of apostasy, if I offer some reasons why the bill should not be admitted to a second reading.

I am surprised that gentlemen have taken up such a foolish opinion as that our Constitution is maintained by its different component parts, mutually checking and controlling each other; they seem to think, with Hobbes, that a state of nature is a state of warfare, and that, like Mahomet's coffin, the Constitution is suspended between the attraction of different powers. My friends seem to think that the Crown should be restrained from doing wrong by a physical necessity, forgetting that if you take away from man all power to do wrong, you, at the same time, take away from him all merit of doing right; and, by making it impossible for men to run into slavery, you enslave them most effectually. But if, instead of the three different parts of our Constitution drawing forcibly in right lines, in different directions, they were to unite their power, and draw all one way, in one right line, how great would be the effect of their force, how happy the direction of this union! The present system is not only contrary to mathematical rectitude, but to public harmony; but if, instead of Privilege setting up his back to oppose Prerogative, he were to saddle his back and invite Prerogative to ride, how comfortably they might both jog along! and therefore it delights me to hear the advocates for the royal bounty flowing

freely and spontaneously and abundantly as Holywell in Wales. If the Crown grant double the amount of the revenue in pensions, they approve of their royal master, for he is the breath of their nostrils.

But we shall find that this complaisance, this gentleness between the Crown and its true servants, is not confined at home; it extends its influence to foreign powers. Our merchants have been insulted in Portugal, our commerce interdicted; what did the British lion do? Did he whet his tusks? Did he bristle up, and shake his mane? Did he roar? No; no such a thing; the gentle creature wagged his tail for six years at the court of Lisbon; and now we hear from the Delphic Oracle on the treasury bench, that he is wagging his tail in London to Chevalier Pinto, who, he hopes soon to be able to tell us, will allow his lady to entertain him as a lapdog; and when she does, no doubt the British factory will furnish some of their softest woolens to make a cushion for him to lie upon. But though the gentle beast has continued so long fawning and couching, I believe his vengeance will be great as it is slow, and that posterity, whose ancestors are yet unborn, will be surprised at the vengeance he will take!

This polyglot of wealth, this museum of curiosities, the pension list, embraces every link in the human chain, every description of men, women, and children, from the exalted excellence of a Hawke or a Rodney, to the debased situation of the lady who humbleth herself that she may be exalted. But the lessons it inculcates form its greatest perfection; it teacheth that sloth and vice may eat that bread which virtue and honesty may starve for after they have earned it. It teaches the idle and dissolute to look up for that support which they are too proud to stoop and earn. It directs the minds of men to an entire reliance on the ruling power of the State, who feed the ravens of the royal aviary that continually cry for food. It teaches them to imitate those saints on the pension list that are like the lilies of the field,—they toil not, neither do they spin, and yet are arrayed like Solomon in his glory. In fine, it teaches a lesson which, indeed, they might have learned from Epictetus, that it is sometimes good not to be over-virtuous; it shows, that in proportion as our distresses increase, the munificence of the Crown increases also; in proportion as our clothes are rent, the royal mantle is extended over us.

Notwithstanding that the pension list, like charity, covers a multitude of sins, give me leave to consider it as coming home to the Members of this House,—give me leave to say that the Crown in extending its charity, its liberality, its profusion, is laying a foundation for the independence of Parliament; for hereafter, instead of orators or patriots accounting for their conduct to such mean and unworthy persons as freeholders, they will learn to despise them, and look to the first man in the State; and they will, by so doing, have this security for their independence, that while any man in the kingdom has a shilling, they will not want one.

Suppose at any future period of time the boroughs of Ireland should decline from their present flourishing and prosperous state —suppose they should fall into the hands of men who would wish to drive a profitable commerce, by having Members of Parliament to hire or let; in such a case a secretary would find great difficulty, if the proprietors of Members should enter into a combination to form a monopoly; to prevent which, in time, the wisest way is to purchase up the raw material, young Members of Parliament, just rough from the grass; and when they are a little bitted, and he has got a pretty stud, perhaps of seventy, he may laugh at the slave merchant; some of them he may teach to sound through the nose, like a barrel organ; some, in the course of a few months, might be taught to cry, "Hear! hear!" some, "Chair! chair!" upon occasion,—though those latter might create a little confusion, if they were to forget whether they were calling inside or outside of those doors. Again he might have some so trained that he need only pull a string, and up gets a repeating Member; and if they were so dull that they could neither speak nor make orations (for they are different things), he might have them taught to dance, *pedibus ire in sententia.* This improvement might be extended; he might have them dressed in coats and shirts all of one color; and, of a Sunday, he might march them to church two by two, to the great edification of the people and the honor of the Christian religion; afterwards, like ancient Spartans, or the fraternity of Kilmainham, they might dine altogether in a large hall. Good heaven! what a sight to see them feeding in public, upon public viands, and talking of public subjects, for the benefit of the public! It is a pity they are not immortal; but I hope they will flourish as a corporation, and that pensioners will beget pensioners, to the end of the chapter.

ENGLAND AND ENGLISH LIBERTIES—IN THE CASE OF ROWAN

(From the Speech in Behalf of Archibald Hamilton Rowan, Esq., for a Libel in the Court of King's Bench, Ireland, on the 29th of January, 1794)

I KNOW no case in which a jury ought to be more severe than where personal calumny is conveyed through a vehicle, which ought to be consecrated to public information; neither, on the other hand, can I conceive any case in which the firmness and the caution of a jury should be more exerted than when a subject is prosecuted for a libel on the State. The peculiarity of the British Constitution (to which in its fullest extent we have an undoubted right, however distant we may be from the actual enjoyment), and in which it surpasses every known government in Europe, is this: that its only professed object is the general good, and its only foundation the general will; hence the people have a right acknowledged from time immemorial, fortified by a pile of statutes, and authenticated by a revolution that speaks louder than them all, to see whether abuses have been committed, and whether their properties and their liberties have been attended to as they ought to be.

This is a kind of subject which I feel myself overawed when I approach; there are certain fundamental principles which nothing but necessity should expose to public examination; they are pillars, the depth of whose foundation you cannot explore without endangering their strength; but let it be recollected that the discussion of such topics should not be condemned in me, nor visited upon my client: the blame, if any there be, should rest only with those who have forced them into discussion. I say, therefore, it is the right of the people to keep an eternal watch upon the conduct of their rulers; and in order to that, the freedom of the press has been cherished by the law of England. In private defamation let it never be tolerated; in wicked and wanton aspersion upon a good and honest administration let it never be supported. Not that a good government can be exposed to danger by groundless accusation, but because a bad government is sure to find in the detected falsehood of a licentious press a security and a credit, which it could never otherwise obtain.

I said a good government cannot be endangered; I say so again, for whether it is good or bad it can never depend upon assertion; the question is decided by simple inspection; to try the tree, look at its fruit; to judge of the government, look at the

people. What is the fruit of a good government? The virtue and happiness of the people. Do four millions of people in this country gather those fruits from that government, to whose injured purity, to whose spotless virtue and violated honor, this seditious and atrocious libeler is to be immolated upon the altar of the Constitution? To you, gentlemen of the jury, who are bound by the most sacred obligation to your country and your God, to speak nothing but the truth, I put the question, Do the people of this country gather those fruits? Are they orderly, industrious, religious, and contented? Do you find them free from bigotry and ignorance, those inseparable concomitants of systematic oppression? . . .

This paper, gentlemen, insists upon the necessity of emancipating the Catholics of Ireland, and that is charged as a part of the libel. If they had waited another year, if they had kept this prosecution impending for another year, how much would remain for a jury to decide upon, I should be at a loss to discover. It seems as if the progress of public information was eating away the ground of the prosecution. Since the commencement of the prosecution, this part of the libel has unluckily received the sanction of the legislature. In that interval our Catholic brethren have obtained that admission, which it seems it was a libel to propose; in what way to account for this I am really at a loss. Have any alarms been occasioned by the emancipation of our Catholic brethren? Has the bigoted malignity of any individuals been crushed, or has the stability of the government, or that of the country been weakened? Or is it one million of subjects stronger than four millions? Do you think that the benefit they received should be poisoned by the sting of vengeance? If you think so, you must say to them, "you have demanded emancipation and you have got it; but we abhor your persons, we are outraged at your success, and we will stigmatize by a criminal prosecution, the adviser of that relief which you have obtained from the voice of your country." I ask you, do you think, as honest men, anxious for the public tranquillity, conscious that there are wounds not yet completely cicatrized, that you ought to speak this language at this time, to men who are too much disposed to think that in this very emancipation they have been saved from their own Parliament by the humanity of their sovereign? Or do you wish to prepare them for the revocation of these improvident concessions? Do you think it wise or humane at this

moment to insult them, by sticking up in a pillory the man who dared to stand forth as their advocate? I put it to your oaths; do you think that a blessing of that kind, that a victory obtained by justice over bigotry and oppression, should have a stigma cast upon it by an ignominious sentence upon men bold and honest enough to propose that measure? To propose the redeeming of religion from the abuses of the church, the reclaiming of three millions of men from bondage, and giving liberty to all who had a right to demand it; giving, I say, in the so much censured words of this paper, giving "Universal Emancipation!"

I speak in the spirit of the British law, which makes liberty commensurate with and inseparable from British soil; which proclaims even to the stranger and the sojourner, the moment he sets his foot upon British earth, that the ground on which he treads is holy, and consecrated by the genius of universal emancipation. No matter in what language his doom may have been pronounced; no matter what complexion incompatible with freedom, an Indian or an African sun may have burnt upon him; no matter in what disastrous battle his liberty may have been cloven down; no matter with what solemnities he may have been devoted upon the altar of slavery,—the first moment he touches the sacred soil of Britain the altar and the god sink together in the dust; his soul walks abroad in her own majesty; his body swells beyond the measure of his chains that burst from around him, and he stands redeemed, regenerated, and disenthralled by the irresistible genius of universal emancipation.

[Here Mr. Curran was interrupted by a burst of applause.]

Gentlemen, I am not such a fool as to ascribe any effusion of this sort to any merits of mine. It is the mighty theme, and not the inconsiderable advocate, that can excite interest in the hearer! What you hear is but the testimony which nature bears to her own character; it is the effusion of her gratitude to that power which stamped that character upon her.

And, permit me to say, that if my client had occasion to defend his cause by any mad or drunken appeals to extravagance or licentiousness, I trust in God I stand in that situation, that, humble as I am, he would not have resorted to me to be his advocate. I was not recommended to his choice by any connection of principle or party, or even private friendship; and saying this, I cannot but add that I consider not to be acquainted with

such a man as Mr. Rowan a want of personal good fortune. But upon this great subject of reform and emancipation there is a latitude and a boldness of remark, justifiable in the people, and necessary to the defense of Mr. Rowan, for which the habits of professional studies and technical adherence to established forms have rendered me unfit. It is, however, my duty, standing here as his advocate, to make some few observations to you, which I conceive to be material.

Gentlemen, you are sitting in a country which has a right to the British Constitution, and which is bound by an indissoluble union with the British nation. If you were now even at liberty to debate upon that subject; if you even were not by the most solemn compacts, founded upon the authority of your ancestors and of yourselves, bound to that alliance, and had an election now to make; in the present unhappy state of Europe, if you had been heretofore a stranger to Great Britain, you would now say we will enter into society and union with you;

Una salus ambobus erit, commune periculum.

But to accomplish that union, let me tell you, you must learn to become like the English people. It is in vain to say you will protect their freedom, if you abandon your own. The pillar whose base has no foundation can give no support to the dome under which its head is placed; and if you profess to give England that assistance which you refuse to yourselves, she will laugh at your folly, and despise your meanness and insincerity. Let us follow this a little further; I know you will interpret what I say with the candor in which it is spoken. England is marked by a natural avarice of freedom, which she is studious to engross and accumulate, but most unwilling to impart; whether from any necessity of her policy, or from her weakness, or from her pride, I will not presume to say; but so is the fact. You need not look to the east, nor to the west, you need only look to yourselves.

In order to confirm this observation I would appeal to what fell from the learned counsel for the Crown, "that notwithstanding the alliance subsisting for two centuries past between the two countries, the date of liberty in one goes no further back than the year 1784."

If it required additional confirmation I should state the case of the invaded American, and the subjugated Indian, to prove

that the policy of England has ever been to govern her connections more as colonies than as allies; and it must be owing to the great spirit, indeed, of Ireland if she shall continue free. Rely upon it, she will ever have to hold her course against an adverse current; rely upon it, if the popular spring does not continue strong and elastic, a short interval of debilitated nerve and broken force will send you down the stream again, and reconsign you to the condition of a province.

THE LIBERTIES OF THE INDOLENT

(Exordium of the Speech on the Right of Election of Lord Mayor of the City of Dublin. Delivered before the Lord-Lieutenant and Privy Council of Ireland, 1790)

My Lords:—

I HAVE the honor to appear before you as counsel for the Commons of the corporation of the metropolis of Ireland, and also for Mr. Alderman Howison, who hath petitioned for your approbation of him as a fit person to serve as Lord Mayor in virtue of his election by the Commons to that high office; and in that capacity I rise to address you on the most important subject that you have ever been called upon to discuss. Highly interesting and momentous indeed, my lords, must every question be, that, even remotely and eventually, may affect the well-being of societies, or the freedom or the repose of nations; but that question, the result of which, by an immediate and direct necessity, must decide either fatally or fortunately the life or the death of that well-being, of that freedom, and that repose, is surely the most important subject on which human wisdom can be employed, if any subject on this side the grave can be entitled to that appellation.

You cannot, therefore, my lords, be surprised to see this place crowded by such numbers of our fellow-citizens; heretofore, they were attracted hither by a strong sense of the value of their rights, and of the injustice of the attack upon them; they felt all the magnitude of the contest, but they were not disturbed by any fear for the event; they relied securely on the justice of their cause, and the integrity of those who were to decide upon it. But the public mind is now filled with a fear of danger, the more painful and alarming because hitherto unforeseen; the pub-

lic are now taught to fear that their cause may be of doubtful merits and disastrous issue; that rights which they considered as defined by the wisdom and confirmed by the authority of written law may now turn out to be no more than ideal claims, without either precision or security; that acts of Parliament themselves are no more than embryos of legislation, or at best but infants, whose first labors must be, not to teach, but to learn; and which, even after thirty years of pupilage, may have thirty more to pass under that guardianship, which the wisdom of our policy has provided for the protection of minors. Sorry am I, my lords, that I can offer no consolation to my clients on this head, and that I can only join them in bewailing that the question, whose result must decide upon their freedom or servitude, is perplexed with difficulties of which we never dreamed before, and which we are now unable to comprehend. Yet surely, my lords, that question must be difficult, upon which the wisdom of the representative of our dread sovereign, aided by the learning of his chancellor and his judges, assisted also by the talents of the most conspicuous of the nobles and the gentry of the nation, has been twice already employed, and employed in vain. We know, my lords, that guilt and oppression may stand irresolute for a moment ere they strike, appalled by the prospect of danger, or struck with the sentiment of remorse; but to you, my lords, it were presumption to impute injustice; we must, therefore, suppose that you have denied your determination, not because it was dangerous, but because it was difficult to decide; and indeed, my lords, a firm belief of this difficulty, however undiscoverable by ordinary talents, is so necessary to the character which this august assembly ought to possess and to merit from the country, that I feel myself bound to achieve it by an effort of my faith if I should not be able to do so by any exertion of my understanding.

In a question, therefore, so confessedly obscure as to baffle so much sagacity, I am not at liberty to suppose that certainty could be attained by a concise examination. Bending then, as I do, my lords, to your high authority, I feel this difficulty as a call upon me to examine it at large; and I feel it as an assurance that I shall be heard with patience.

The Lord Mayor of this city hath from time immemorial been a magistrate, not appointed by the Crown, but elected by his fellow-citizens. From the history of the early periods of this

corporation and a view of its charters and by-laws, it appears that the Commons had from the earliest periods participated in the important right of election to that high trust; and it was natural and just that the whole body of citizens, by themselves or their representatives, should have a share in electing those magistrates who were to govern them, as it was their birthright to be ruled only by laws which they had a share in enacting.

The aldermen, however, soon became jealous of this participation, encroached by degrees upon the Commons, and at length succeeded in engrossing to themselves the double privilege of eligibility and of election; of being the only body out of which, and by which, the Lord Mayor could be chosen. Nor is it strange that in those times a board, consisting of so small a number as twenty-four members, with the advantages of a more united interest, and a longer continuance in office, should have prevailed, even contrary to so evident principles of natural justice and constitutional right, against the unsteady resistance of competitors, so much less vigilant, so much more numerous, and therefore so much less united. It is the common fate of the indolent to see their rights become a prey to the active. The condition upon which God hath given liberty to man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime and the punishment of his guilt.

HIS FAREWELL TO THE IRISH PARLIAMENT

(From the Speech Delivered May 15th, 1797, in Support of the Ponsonby Reform Resolution)

I CONSIDER this as a measure of justice, with respect to the Catholics and the people at large. The Catholics in former times groaned under the malignant folly of penal laws — wandered like herds upon the earth, or gathered under some threadbare grandee who came to Dublin, danced attendance at the Castle, was smiled on by the Secretary, and carried back to his miserable countrymen the gracious promise of favor and protection. They are no longer mean dependants but owners of their country, and claiming simply and boldly, as Irishmen, the national privileges of men and natives of their country. . . .

I now proceed to answer the objections to the measure. I was extremely shocked to see the agent of a foreign cabinet rise

up in the assembly that ought to represent the Irish nation and oppose a motion that was made on the acknowledged and deplored corruption which has been imported from his country. Such an opposition is a proof of the charge, which I am astonished he could venture upon at so awful a crisis. I doubt whether the charge, or this proof of it, would appear most odious. However, I will examine the objections. It is said — It is not the time. This argument has become a jest in Ireland, for it has been used in all times; in war, in peace, in quiet, and in disturbance. It is the miserable, dilatory plea of persevering and stupid corruption, that wishes to postpone its fate by a promise of amendment, which it is resolved never to perform. Reform has become an exception to the proverb that says there is a time for all things; but for reform there is no time, because at all times corruption is more profitable to its authors than public virtue and propriety, which they know must be fatal to their views. As to the present time, the objections to it are a compound of the most unblushing impudence and folly. Forsooth it would seem as if the house had yielded through fear. Personal bravery or fear are inapplicable to a public assembly. I know no cowardice so despicable as the fear of seeming to be afraid. To be afraid of danger is not an unnatural sensation; but to be brave in absurdity and injustice, merely from fear of having your sense of honesty imputed to your own apprehension, is a stretch of folly which I have never heard of before. But the time is pregnant with arguments very different, indeed, from those I have heard; I mean the report of the Secret Committee and the dreadful state of the country. The allegation is that the people are not to have justice, because a rebellion exists within, and because we have an enemy at our gates — because, forsooth, reform is only a pretext, and separation is the object of the leaders. If a rebellion exist, every good subject ought to be detached from it. But if an enemy threaten to invade us, it is only common sense to detach every subject from the hostile standard and bring him back to his duty and his country.

The present miserable state of Ireland — its distractions, its distresses, its bankruptcy — are the effects of the war, and it is the duty of the authors of that war to reconcile the people by the most timely and liberal justice; the utmost physical strength should be called forth, and that can be done only by union. This is a subject so tremendous I do not wish to dwell on it; I

will therefore leave it; I will support a Reform on its own merits, and as a measure of internal peace at this momentous juncture. Its merits are admitted by the objection to the time, because the objection admits that at any other time it would be proper. For twenty years past there was no man of any note in England or Ireland who did not consider the necessity of it as a maxim; they all saw and confessed that the people are not represented, and that they have not the benefit of a mixed monarchy. They have a monarchy which absorbs the two other estates, and, therefore, they have the insupportable expense of a monarchy, an aristocracy, and a democracy, without the simplicity or energy of any one of those forms of government. In Ireland this is peculiarly fatal, because the honest representation of the people is swallowed in the corruption and intrigue of a cabinet of another country. From this may be deduced the low estate of the Irish people; their honest labor is wasted in pampering their betrayers, instead of being employed, as it ought to be, in accommodating themselves and their children. On these miserable consequences of corruption, and which are all the fatal effects of inadequate representation, I do not wish to dwell. To expatiate too much on them might be unfair, but to suppress them might be treason to the public. It is said that reform is only a pretense, and that separation is the real object of leaders; if this be so, confound the leaders by destroying the pretext, and take the followers to yourselves. You say there are one hundred thousand; I firmly believe there are three times the number. So much the better for you; if these seducers can attach so many followers to rebellion by the hope of reform through blood, how much more readily will you engage them, not by the promise, but the possession, and without blood? You allude to the British fleet; learn from it to avoid the fatal consequence that may follow even a few days' delay of justice. It is said to be only a pretext; I am convinced of the contrary — I am convinced the people are sincere, and would be satisfied by it. I think so from the perseverance in petitioning for it for a number of years; I think so, because I think a monarchy, properly balanced by a fair representation of the people, gives as perfect liberty as the most celebrated republics of old. But, of the real attraction of this object of reform, you have a proof almost miraculous; the desire of reform has annihilated religious antipathy and united the country. In the history of mankind it is the only instance of so fatal

a religious fanaticism being discarded by the good sense of mankind, instead of dying slowly by the development of its folly. And I am persuaded the hints thrown out this night to make the different sects jealous of each other will be a detected trick and will only unite them still more closely. The Catholics have given a pledge to their countrymen of their sincerity and their zeal, which cannot fail of producing the most firm reliance; they have solemnly disclaimed all idea of what is called emancipation, except as a part of that reform without which their Presbyterian brethren could not be free. Reform is a necessary change of mildness for coercion. The latter has been tried; what is its success? The convention bill was passed to punish the meetings at Dungannon and those of the Catholics; the Government considered the Catholic concessions as defeats that called for vengeance, and cruelly have they avenged them. But did that act, or those which followed it, put down those meetings? The contrary was the fact. It concealed them most foolishly. When popular discontents are abroad, a wise government should put them into a hive of glass. You hid them. The association at first was small; the earth seemed to drink it as a rivulet, but it only disappeared for a season. A thousand streams, through the secret windings of the earth, found their way to one course, and swelled its waters, until at last, too mighty to be contained, it burst out a great river, fertilizing by its exudations or terrifying by its cataracts. This is the effect of our penal code; it swelled sedition into rebellion. What else could be hoped from a system of terrorism? Fear is the most transient of all the passions; it is the warning that nature gives for self-preservation. But when safety is unattainable the warning must be useless, and nature does not, therefore, give it. Administration, therefore, mistook the quality of penal laws; they were sent out to abolish conventions, but they did not pass the threshold; they stood sentinels at the gates. You think that penal laws, like great dogs, will wag their tails to their masters and bark only at their enemies. You are mistaken; they turn and devour those they are meant to protect, and are harmless where they are intended to destroy.

I see gentlemen laugh; I see they are still very ignorant of the nature of fear; it cannot last; neither while it does can it be concealed. The feeble glimmering of a forced smile is a light that makes the cheek look paler. Trust me, the times are too humanized for such systems of government. Humanity will not

execute them, but humanity will abhor them and those who wish to rule by such means. This is not theory; the experiment has been tried and proved. You hoped much, and, I doubt not, meant well by those laws; but they have miserably failed you; it is time to try milder methods. You have tried to force the people; the rage of your penal laws was a storm that only drove them in groups to shelter. Your convention law gave them that organization which is justly an object of such alarm; and the very proclamation seems to have given them arms. Before it is too late, therefore, try the better force of reason, and conciliate them by justice and humanity. The period of coercion in Ireland is gone, nor can it ever return until the people shall return to the folly and to the natural weakness of disunion. Neither let us talk of innovation; the progress of nature is no innovation. The increase of people, with the growth of the mind, is no innovation; it is no way alarming unless the growth of our minds lag behind. If we think otherwise, and think it an innovation to depart from the folly of our infancy, we should come here in our swaddling-clothes; we should not innovate upon the dress, more than the understanding of the cradle. As to the system of peace now proposed, you must take it on principles; they are simply two — the abolition of religious disabilities and the representation of the people. I am confident the effects would be everything to be wished. The present alarming discontent will vanish, the good will be separated from the evil-intentioned; the friends of mixed government in Ireland are many; every sensible man must see that it gives all the enjoyment of rational liberty if the people have their due place in the State. This system would make us invincible against a foreign or domestic enemy; it would make the empire strong at this important crisis; it would restore us to liberty, industry, and peace, which I am satisfied can never, by any other means, be restored. Instead, therefore, of abusing the people, let us remember that there is no physical strength but theirs, and conciliate them by justice and reason. I am censured heavily for having acted for them in the late prosecutions. I feel no shame at such a charge, except that, at such a time as this, to defend the people should be held out as an imputation upon a king's counsel, when the people are prosecuted by the State. I think every counsel is the property of his fellow-subjects. If, indeed, because I wore his Majesty's gown, I had declined my duty or done it weakly or treacher-

ously; if I had made that gown a mantle of hypocrisy, and betrayed my client or sacrificed him to any personal view, I might, perhaps, have been thought wiser by those who have blamed me; but I should have thought myself the basest villain upon earth. The plan of peace, proposed by a reform, is the only means that I and my friends can see left to save us. It is certainly a time for decision, and not for half measures. I agree that unanimity is indispensable. The House seems pretty nearly unanimous for force; I am sorry for it, for I bode the worst from it. I will retire from a scene where I can do no good — where I certainly would interrupt that unanimity. I cannot, however, go without a parting entreaty that gentlemen will reflect on the awful responsibility in which they stand to their country and to their conscience, before they set the example to the people of abandoning the Constitution and the law, and resorting to the terrible expedient of force.

ON GOVERNMENT BY ATTACHMENT

(Delivered in the Irish Parliament, February 24th, 1785)

In 1784, Henry Reilly, Esq., Sheriff of the county of Dublin, summoned his bailiwick to elect members to a national congress. For this he was attached by the King's Bench on a Crown motion, and on the twenty-fourth of February, 1785, the Right Hon. William Brownlow moved a vote of censure on the judges of that court for the attachment. Curran's speech on the subject is still of interest in connection with contempt proceedings in political cases.

I HOPE I may say a few words on this great subject without disturbing the sleep of any right honorable member [the Attorney-General John Fitzgibbon had fallen asleep on his seat] and yet, perhaps, I ought rather to envy than blame the tranquillity of the right honorable gentleman. I do not feel myself so happily tempered as to be lulled to repose by the storms that shake the land. If they invite rest to any, that rest ought not to be lavished on the guilty spirit. I never more strongly felt the necessity of a perfect union with Britain, of standing or falling with her in fortune and Constitution, than on this occasion. She is the parent, the archetype of Irish liberty, which she has preserved inviolate in its grand points, while among us it has been violated and debased. I now call upon the house to

consider the trust reposed in them as the Great Inquest of the people.

I respect judges highly. They ought to be respected, and feel their dignity and freedom from reprehension while they do what judges ought to do; but their stations should not screen them when they pass the limit of their duty. Whether they did or not is the question. This House is the judge of those judges, and it would betray the people to tyranny and abdicate their representation, if it does not act with probity and firmness.

In their proceedings against Reilly, I think they have transgressed the law, and made a precedent which, while it remains, is subversive of the trial by jury and, of course, of liberty. I regard the Constitution, I regard the judges, three of that court at least, and for their sakes I shall endeavor to undo what they have done.

The question is whether the court has really punished its own officer for a real contempt, or whether it has abused that power, for the illegal end of punishing a supposed offense against the State, by a summary proceeding without a trial by jury.

The question is plain, whether as a point of Constitution or as of law; but I shall first consider it in the former view. When I feel the Constitution rocking over my head, my first anxiety is to explore the foundation, to see if the great arches that support the fabric have fallen in; but I find them firm on the solid and massy principle of common law. The principle of legal liberty is that offense and trial and punishment should be fixed; it is sense, it is Magna Charta — a trial by jury as to fact, an appeal to judges as to law.

I admit attachment an exception to the general rule as founded in necessity for the support of courts, in administering justice, by a summary control over their officers acting under them; but the necessity that gave rise to it is also the limit. If it were extended further, it would reach to all criminal cases not capital; and in the room of a jury crimes would be created by a judge, the party accused by him, found guilty by him, punished by the utter loss of his liberty and property for life, by indefinite fine and imprisonment without remedy or appeal. If he did not answer, he was guilty; even if he did, the court might think, or say it thought, the answer evasive, and so convict him for imputed prevarication.

The power of attachment is wisely confined by the British laws and practiced within that limit. The Crown lawyers have not produced a single case where the King's Bench in England have gone beyond it. They have ranged through the annals of history; through every reign of folly and of blood; through the proud domination of the Tudors, and the blockhead despotism of the Stuarts, without finding a single case to support their doctrine.

I consider the office of sheriff as judicial and ministerial. Reilly's offense did not fall within any summary control, in either capacity. It was not a judicial act, it was not *colore officii.* An act *colore officii* must either be an act done by the actual exercise of an abused or of a usurped authority — neither of which can it be called; for where the sheriff summons his county, he does it by command, by authority, under pain of fine and imprisonment to those who disobey.

Was the appointment of a meeting any such active exertion of authority? Does any man suppose he was obliged to attend? that he would be fined if he refused to attend? No. Did the sheriff hold out any such colorable authority? Clearly not. The contrary: he explained the purpose of the intended meeting; he stated at whose instance he appointed such meeting; and thereby showed to every man in his senses that he was not affecting to convene them by color of any compulsive authority.

If, then, there was any guilt in the sheriff's conduct, it was not punishable by attachment. They who argue from its enormity are guilty of a shabby attempt to mislead men from the question, which is not whether he ought to be punished at all, but whether he had been punished according to law.

You have heard no man adduce a single case to support their assertion; but we have the uniform practice of the King's Bench in England in our favor, the uniform practice, both there and here, during these last years. Had they not meetings there and here? Did not the Crown receive petitions and addresses from such assemblies? Why, during that time, was there no motion for an attachment in either kingdom?

If an English attorney-general had attempted such a daring outrage on public liberty and law, he must have found some friend to warn him not to debase the court, and make it appear to all mankind as the odious engine of arbitrary power; not to put it into so unnatural a situation as that of standing between

the people and the Crown, or between the people and their representatives.

I warn him not to bring public hatred on the Government, by the adoption of an illegal prosecution. If he show himself afraid of proceeding against offenders by the ordinary mode, then offenders will be exalted by arbitrary persecution of them; they will become suffering patriots, from being mere petty offenders; their cries will become popular. Let him be warned how he leads the court into an illegality, which the Commons can never endure. No honest representative can sacrifice his fame and his duty by voting in support of a proceeding subversive of liberty. I should shrink from the reproach of the most insignificant of my constituents if that constituent could say to me: "When thou sawest the thief of the Constitution, thou consentedst unto him."

Such would be the caution suggested to an English attorney-general; and, accordingly, we find no instance of his ever venturing on such a measure.

Without case, then, or precedent, or principle, what is the support of such a conduct here? — the distinction of a judge? And what is that distinction? It is different in different men; it is different in the same man at different times; it is the folly of a fool and the fear of a coward; it is the infamy of the young and the dotage of age; in the best man it is very weakness that human nature is subject to; and in the worst, it is very vice. Will you, then, tell the people that you have chosen this glorious distinction in the place of fixed laws, fixed offenses, and fixed punishments, and in the place of that great barrier between the prerogative and the people — trial by jury?

But it is objected that the resolution is a censure on the judges and a charge of corruption. I deny it and I appeal to your own acts.

[Mr. Curran then called to the clerk, who read from the journals a vote of censure passed upon Mr. Justice Robinson, for imposing a fine illegally in a county, when on circuit, without view or evidence.]

Was your resolution founded on any corruption of that judge? No; you would, if so, have addressed to remove him. I called for the resolution, therefore, not to charge him with guilt,— I am persuaded he acted merely through error,— but to vindicate him, to vindicate you, and to exhort you to be consistent. You

thought a much smaller violation of the law was deserving your reprobation. Do not abandon yourselves and your country to slavery, by suffering so much a grosser and more dangerous transgression of the Constitution, to become a precedent forever. In tenderness even to the judges, interpose. Their regret, which I am sure they now feel, on reflection, cannot undo what they have done; their hands cannot wash away what is written in their records; but you may repair whatever has been injured,—if your friend had unwillingly plunged a dagger into the breast of a stranger, would you prove his innocence by letting the victim bleed to death? The Constitution has been wounded deeply, but, I am persuaded, innocently; it is you only who, by neglecting to interpose, can make the consequences fatal, and the wound ripen into murder.

I would wish, I own, that the liberty of Ireland should be supported by her own children; but if she be scorned and rejected by them, when her all is at stake, I will implore the assistance even of two strangers; I will call on the right honorable Secretary to support the principles of the British Constitution. Let him not render his administration odious to the people of Ireland by applying his influence in this House to the ruin of their personal freedom. Let him not give a pretense to the enemies of his friend in a sister country, to say that the son of the illustrious Chatham is disgracing the memory of his great father; that the trophies of his Irish administration are the introduction of an inquisition among us, and the extinction of a trial by jury; let them not say that the pulse of the Constitution beats only in the heart of the empire, but that it is dead in the extremities.

[Mr. Curraan concluded with declaring his hearty concurrence in the resolution proposed.]

[The Attorney-General, [Fitzgibbon] in a speech of much personality, opposed Curran's motion.]

[Mr. Curran in reply:]—

I thank the right honorable gentleman for restoring me to my good humor and for having, with great liberality and parliamentary decency, answered my arguments with personality. Some expressions cannot heat me, when coming from persons of a certain distinction. I shall not interrupt the right honorable gentleman in the fifth repetition of his speech. I shall prevent his arguments by telling him that he has not in one

instance alluded to Mr. Reilly. The right honorable gentleman said I had declared the judges guilty, but I said no such thing. I said, if any judge were to act in the manner I mentioned, it would be an aggravation of his guilt. The right honorable gentleman has said that the House of Commons had no right to investigate the conduct of judges; if so, I ask the learned sergeant why he sits in that chair. I ask why the resolution has been just read from the journals. The gentleman has called me a babbler; I cannot think that was meant as a disgrace, because, in another Parliament, before I had the honor of a seat in this House, but when I was in the gallery, I heard a young lawyer named Babbler. I do not recollect that there were sponsers at the baptismal font; nor was there any occasion, as the infant had promised and vowed so many things in his own name. Indeed, I find it difficult to reply, for I am not accustomed to pronounce panegyrics on myself; I do not know well how to do it; but since I cannot tell you what I am, I shall tell you what I am not: I am not a man whose respect in person and character depends upon the importance of his office; I am not a young man who thrusts himself into the foreground of a picture, which ought to be occupied by a better figure; I am not a man who replies with invective when sinking under the weight of argument; I am not a man who denied the necessity of a parliamentary reform, at the time he proved the expediency of it, by reviling his own constituents, the parish clerk, the sexton, and the grave digger; and if there be any man who can apply what I am not to himself, I leave him to think of it in the committee and to contemplate it when he goes home.

BENJAMIN ROBBINS CURTIS

(1809–1874)

THE most important question raised by the impeachment of President Johnson, and, in fact, the only one which obviously survives the politics of that period, is of the extent to which a President has the right to condemn publicly the acts of one of the co-ordinate departments of the Government. In defending President Johnson, Judge B. R. Curtis denied the right of a Congress holding itself aggrieved by a presidential criticism, to act as judge of its own cause. It was probably this consideration more than any other which prevented the President's conviction and removal.

Benjamin Robbins Curtis was born at Watertown, Massachusetts, November 4th, 1809. He died at Newport, Rhode Island, September 15th, 1874. He became eminent as a lawyer and left a number of works on American jurisprudence, among them a digest of the decisions of the United States Supreme Court, of which from 1851 to 1857 he was an associate justice. He was a brother of George Ticknor Curtis, author of 'History of the Constitution,' and other well-known works.

PRESIDENTIAL CRITICISMS OF CONGRESS — DEFENDING ANDREW JOHNSON

(From the Speech of April 9th, 1868, in Behalf of the President at the Impeachment Trial)

THE complaint is that the President made speeches against Congress. The true statement here would be much more restricted than that; for although in those speeches the President used the word "Congress," undoubtedly he did not mean the entire constitutional body organized under the Constitution of the United States; he meant the dominant majority in Congress. Everybody so understood it; everybody must so understand it. But the complaint is that he made speeches against those who governed in Congress. Well, who are the grand jury in this case? One of the parties spoken against. And who are the tryers? The other party spoken against. One would think there was some incongruity in this; some reason for giving pause

before taking any very great stride in that direction. The honorable House of Representatives sends its managers here to take notice of what? That the House of Representatives has erected itself into a school of manners, selecting from its ranks those gentlemen whom it deems most competent by precept and example to teach decorum of speech; and they desire the judgment of this body whether the President has not been guilty of indecorum, whether he has spoken properly, to use the phrase of the honorable manager. Now, there used to be an old-fashioned notion that although there might be a difference of taste about oral speeches, and, no doubt, always has been and always will be many such differences, there was one very important test in reference to them, and that is whether they are true or false; but it seems that in this case that is no test at all. The honorable manager, in opening the case, finding, I suppose, that it was necessary, in some manner, to advert to that subject, has done it in terms which I will read to you:—

"The words are not alleged to be either false or defamatory, because it is not within the power of any man, however high his official position, in effect to slander the Congress of the United States, in the ordinary sense of that word, so as to call on Congress to answer as to the truth of the accusation."

Considering the nature of our Government, considering the experience which we have gone through on this subject, that is a pretty lofty claim. Why, if the Senate please, if you go back to the time of the Plantagenets and seek for precedents there, you will not find so lofty a claim as that. I beg leave to read from two statutes, the first being 3 Edward I., cap. 34, and the second 2 Richard II., cap. 1. The statute, 3 Edward I., cap. 34, after the preamble, enacts—

"That from henceforth none be so hardy to tell or publish any false news or tales, whereby discord or occasion of discord or slander may grow between the King and his people, or the great men of the realm; and he that doeth so shall be taken and kept in until he hath brought him into court which was the first author of the tale."

The statute 2 Richard II., cap. 1, § 5, enacted with some alterations the previous statute. It commenced thus:—

"Of devisors of false news and of horrible and false lies of prelates, dukes, earls, barons, and other nobles and great men of the

realm; and also of the chancellor, treasurer, clerk of the privy seal, steward of the King's house, justices of the one bench or of the other, and of other great officers of the realm."

The great men of the realm in the time of Richard II. were protected only against "horrible and false lies," and when we arrive in the course of our national experience during the war with France and the administration of Mr. Adams to that attempt to check, not free speech, but free writing, Senators will find that, although it applied only to written libels, it contained an express section that the truth might be given in evidence. That was a law, as Senators know, making it penal by written libels to excite the hatred or contempt of the people against Congress, among other offenses; but the estimate of the elevation of Congress, above the people was not so high but that it was thought proper to allow a defense of the truth to be given in evidence. I beg leave to read from this Sedition Act a part of one section and make a reference to another to support the correctness of what I have said. It is found in Statutes at Large, page 596:—

"That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous, and malicious writing or writings against the Government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or either house of the said Congress, or the said President, or to bring them, or either or any of them the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein," etc.

Section three provides:—

"That if any person shall be prosecuted under this act for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defense the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause shall have a right to determine the law and the fact, under the direction of the court, as in other cases."

In contrast with the views expressed here, I desire now to read from the fourth volume of Mr. Madison's works, pages 542

and 547, passages which, in my judgment, are as masterly as anything Mr. Madison ever wrote, upon the relations of the Congress of the United States to the people of the United States, in contrast with the relations of the Government of Great Britain to the people of that island, and upon the necessity which the nature of our Government lays us under to preserve freedom of the press and freedom of speech:—

"The essential difference between the British Government and the American Constitution will place this subject in the clearest light.

"In the British Government the danger of encroachments on the rights of the people is understood to be confined to the Executive Magistrate. The Representatives of the people in the Legislature are not only exempt themselves from distrust, but are considered as sufficient guardians of the rights of their constituents against the danger from the Executive. Hence it is a principle that the Parliament is unlimited in its power, or, in their own language, is omnipotent. Hence, too, all the ramparts for protecting the rights of the people, such as their Magna Charta, their Bill of Rights, etc., are not reared against the Parliament, but against the royal prerogative. They are merely legislative precautions against Executive usurpations. Under such a government as this, an exemption of the press from previous restraint, by licensers appointed by the King, is all the freedom that can be secured to it.

"In the United States the case is altogether different. The people, not the Government, possess the absolute sovereignty. The Legislature, no less than the Executive, is under limitations of power. Encroachments are regarded as possible from the one as well as from the other. Hence, in the United States, the great and essential rights of the people are secured against legislative as well as against executive ambition. They are secured, not by laws paramount to prerogative, but by constitutions paramount to laws. This security of the freedom of the press requires that it should be exempt not only from previous restraint by the Executive, as in Great Britain, but from legislative restraint also; and this exemption, to be effectual, must be an exemption not only from the previous inspection of licenses, but from the subsequent penalty of laws."

One other passage on page 547, which has an extraordinary application to the subject now before you:—

"1. The Constitution supposes that the President, the Congress, and each of its houses may not discharge their trusts, either from defect of judgment or other causes. Hence they are all made responsible to their constituents at the returning periods of election;

and the President who is singly intrusted with very great powers, is, as a further guard, subjected to an intermediate impeachment.

"2. Should it happen, as the Constitution supposes it may happen, that either of these branches of the Government may not have duly discharged its trust, it is natural and proper that, according to the cause and degree of their faults, they should be brought into contempt or disrepute, and incur the hatred of the people.

"3. Whether it has, in any case, happened that the proceedings of either or all of those branches evince such a violation of duty as to justify a contempt, a disrepute, or hatred among the people, can only be determined by a free examination thereof, and a free communication among the people thereon.

"4. Whenever it may have actually happened that proceedings of this sort are chargeable on all or either of the branches of the Government, it is the duty, as well as the right, of intelligent and faithful citizens to discuss and promulge them freely, as well to control them by the censorship of the public opinion as to promote a remedy according to the rules of the Constitution. And it cannot be avoided that those who are to apply the remedy must feel, in some degree, a contempt or hatred against the transgressing party."

These observations of Mr. Madison were made in respect to the freedom of the press. There were two views entertained at the time when the Sedition Law was passed concerning the power of Congress over this subject. The one view was that when the Constitution spoke of freedom of the press it referred to the common-law definition of that freedom. That was the view which Mr. Madison was controverting in one of the passages which I have read to you. The other view was that the common-law definition could not be deemed applicable, and that the freedom provided for by the Constitution, so far as the action of Congress was concerned, was an absolute freedom of the press. But no one ever imagined that freedom of speech, in contradistinction from written libel, could be restrained by a law of Congress; for whether you treat the prohibition in the Constitution as absolute in itself or whether you refer to the common law for a definition of its limits and meaning, the result will be the same. Under the common law no man was ever punished criminally for spoken words. If he slandered his neighbor and injured him, he must make good in damages to his neighbor the injury he had done; but there was no such thing at the common law as an indictment for spoken words. So that this prohibition

in the Constitution against any legislation by Congress in restraint of the freedom of speech is necessarily an absolute prohibition; and therefore this is a case not only where there is no law made prior to the act to punish the act, but a case where Congress is expressly prohibited from making any law to operate even on subsequent acts.

What is the law to be? Suppose it is, as the honorable managers seem to think it should be, the sense of propriety of each Senator appealed to. What is it to be? The only rule I have heard — the only rule which can be announced — is that you may require the speaker to speak properly. Who are to be the judges whether he speak properly? In this case the Senate of the United States on the presentation of the House of Representatives of the United States; and that is supposed to be the freedom of speech secured by this absolute prohibition of the Constitution. That is the same freedom of speech, Senators, in consequence of which thousands of men went to the scaffold under the Tudors and the Stuarts. That is the same freedom of speech which caused thousands of heads of men and of women to roll from the guillotine in France. That is the same freedom of speech which has caused in our day more than once "order to reign in Warsaw." The persons did not speak properly in the apprehension of the judges before whom they were brought. Is that the freedom of speech intended to be secured by our Constitution? . . .

GEORGE WILLIAM CURTIS.

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GEORGE WILLIAM CURTIS

(1824–1892)

WHEN in the Republican national convention held at Chicago in June 1884, George William Curtis climbed on a chair to protest, on behalf of those who were afterwards called "mugwumps," against the Hawkins Resolution, the scene was one of the most dramatic in American history. Mr. Curtis had been one of those whose thorough-going earnestness had forced issues which had retired the Democratic party from power for twenty-five years. Under the Hawkins Resolution, he would have been bound to support the nominee of the convention, with the consent of his conscience or without it. He evidently felt himself in the presence of one of those great crises when the history of a nation may depend for years on the immediate and determined action of one man. When he climbed on his seat to speak, with his white hair thrown back from his face, and began: "Gentlemen of the convention, a Republican and a free man, I came into this convention; by the grace of God a Republican and a free man will I go out of this convention," his belief in the far-reaching importance of his action was immediately communicated to the thousands with whom the great hall was packed. The convention which so shortly before had been apparently an uncontrollable chaos of conflicting elements became breathlessly silent, and in making the speech which restored the Democratic party to power by inaugurating the independent Republican movement of 1884, Mr. Curtis had an audience which strained its ears to catch his every word. Perhaps there has not been in all American history a more striking example of the power of such oratory as is natural to any man of great and cultivated intellect, when he is deeply moved by a conscientious conviction of his duty. In his address on Wendell Phillips, delivered in April 1884, Mr. Curtis shows us his own ideal in his elucidation of the character of Phillips. He was not persistently intense in his modes of thought as Phillips was, but at a crisis he could call out wholly unsuspected reserves of power, as he did in his Chicago speech. He was a scholar rather than a statesman; a gentleman by instinct and habit; gracious in his demeanor, because of being essentially gracious; and seemingly unfitted for the rude and brawling contentions of practical politics; but such men as he have determined the course of events in America at every crisis,

putting to confusion the merely professional politicians and asserting the omnipotent supremacy of that higher intellect which can begin and operate only under the direction of a sound and compelling conscience. Mr. Curtis was born at Providence, Rhode Island, February 24th, 1824. In his early life he was possessed by the ideas which moved a number of young transcendentalists to organize the Brook Farm community. After eighteen months of that celebrated failure to realize the ideal, he traveled in Europe, and returning, entered New York journalism, first on the daily press, and afterwards as the editor of weekly and monthly periodicals issued by well-known publishing houses. Of his numerous published books, the 'Potiphar Papers' are perhaps best, as they are best known to the general public. Mr. Curtis died at his home on Staten Island, August 31st, 1892.

HIS SOVEREIGNTY UNDER HIS HAT

(Delivered in the Republican National Convention, at Chicago, June 4th, 1884, on the Resolution Offered by Mr. Hawkins, of Tennessee: "*Resolved*, As the sense of this convention, That every member of it is bound in honor to support its nominee, whoever that nominee may be, and that no man should hold a seat here who is not ready to so agree")

Gentlemen of the Convention: —

A Republican and a free man I came into this convention; by the grace of God a Republican and a free man will I go out of this convention. Twenty-four years ago I was here in Chicago. Twenty-four years ago I took part with the men of this country who nominated the man who bears the most illustrious name in the Republican party, and the brightest ray in whose halo of glory and immortality is that he was the great emancipator. In that convention, sir, a resolution was offered in amendment of the platform. It introduced into that platform certain words from the Declaration of Independence. That man was voted down in that convention, and Joshua R. Giddings, of Ohio, rose from his seat and was passing out of the convention. As he went to pass by my chair, I, well nigh a boy and unknown to him, reached out my hand and said: "Sir, where are you going?" He said to me: "Young man, I am going out of this convention, for I find there is no place in a Republican convention for an original antislavery man like me." Well, gentlemen, after this he stopped and again took his seat, and before the convention concluded the Republican party declared no word, no deed, no sign should ever be made in a

Republican convention that in the slightest degree reflected upon the honor or the loyalty of the men who took part in that convention, and upon their adhesion to liberty. The gentleman who was last upon the floor dared any one upon this floor to vote against that resolution. I say to him in reply that the presentation of such a resolution in such a convention as this is a stigma, an insult, upon every man who stands here. The question is no question at all. Precisely the same motion was brought up at the last convention, and a man from West Virginia (I honor his name!) said in the face of the roaring galleries: "I am a Republican who carries his sovereignty under his own hat."

Now, Mr. Chairman, Mr. Campbell's position in that convention agreed with the wise reflection, the afterthought of the Republican convention of 1880, under the direction of that great leader whose face fronts us there, James A. Garfield, of Ohio. Under the lead of Garfield, I remind you, my friend from California, that convention, taking its action, induced the gentleman who presented the resolution to withdraw it from consideration. Now, sir, in the light of the character of the Republican party; in the light of the action of the last Republican convention, the first convention I have known in which such a pledge was required of the members; I ask this convention, mindful of all that hangs upon the wisdom, the moderation, the tolerance, and the patriotism of our action,— mindful of it all I beg this convention to remember Lincoln, to remember Garfield, to remember the most vital principle of the Republican party, and assume that every man here who is an honorable man will vote this resolution down, as something which should never have appeared in a Republican convention, and as unworthy to be ratified by the concourse of free men I see before me.

WENDELL PHILLIPS AS A HISTORY-MAKER

(From a Contemporary Stenographic Report of the Address Delivered in Tremont Temple, Boston, April 18th, 1884)

When the war ended, and the specific purpose of his relentless agitation was accomplished, Phillips was still in the prime of his life. Had his mind recurred to the dreams of earlier years, had he desired, in the fullness of his fame and

the maturity of his powers, to turn to the political career which the hopes of the friends of his youth had forecast, I do not doubt that the Massachusetts of Sumner and of Andrew, proud of his genius and owning his immense service to the triumphant cause, although a service beyond the party line, and often apparently directed against the party itself, would have gladly summoned him to duty. It would, indeed, have been a kind of peerage for this great Commoner. But not to repose and peaceful honor did this earnest soul incline. "Now that the field is won," he said gaily to a friend, "do you sit by the camp-fire, but I will put out into the underbrush." The slave, indeed, was free, but emancipation did not free the agitator from his task. The client that suddenly appeared before him on that memorable October day was not an oppressed race alone; it was wronged humanity; it was the victim of unjust systems and unequal laws; it was the poor man, the weak man, the unfortunate man, whoever and whatever he might be. This was the cause that he would still plead in the forum of public opinion. "Let it not be said," he wrote to a meeting of his old Abolition friends, two months before his death, "that the old Abolitionist stopped with the negro, and was never able to see that the same principles claimed his utmost effort to protect all labor, white and black, and to further the discussion of every claim of humanity."

Was this the habit of mere agitation, the restless discontent that followed great achievement? There were those who thought so. But they were critics of a temperament which did not note that with Phillips agitation was a principle, and a deliberately chosen method to definite ends. There were still vast questions springing from the same root of selfishness and injustice as the question of slavery. They must force a hearing in the same way. He would not adopt in middle life the career of politics, which he had renounced in youth, however seductive that career might be, whatever its opportunities and rewards, because the purpose had grown with his growth and strengthened with his strength, to form public opinion rather than to represent it, in making or in executing the laws. To form public opinion upon vital public questions by public discussion, but by public discussion absolutely fearless and sincere, and conducted with honest faith in the people to whom the argument was addressed — this was the service which he had long performed, and this he would still perform, and in the familiar way.

His comprehensive philanthropy had made him, even during the antislavery contest, the untiring advocate of other great reforms. His powerful presentation of the justice and reason of the political equality of women, at Worcester, in 1857, more than any other single impulse launched that question upon the sea of popular controversy. In the general statement of principle, nothing has been added to that discourse. In vivid and effective eloquence of advocacy it has never been surpassed. All the arguments for independence echoed John Adams in the Continental Congress; all the pleas for applying the American principle of representation to the wives and mothers of American citizens echo the eloquence of Wendell Phillips at Worcester. His, also, was the voice that summoned the temperance voters of the Commonwealth to stand up and be counted; the voice which resolutely and definitely exposed the crime to which the busy American mind and conscience are at last turning — the American crime against the Indians. Through him the sorrow of Crete, the tragedy of Ireland, pleaded with America. In the terrible experience of the early antislavery debate, when the Church and refined society seemed to be the rampart of slavery, he had learned profound distrust of that conservatism of prosperity which chills human sympathy and narrows the conscience. So the vast combinations of capital, in these later days, with their immense monopolies and imperial power, seemed to him sure to corrupt the Government and to obstruct and threaten the real welfare of the people. He felt, therefore, that what is called the respectable class is often really, but unconsciously and with a generous purpose, not justly estimating its own tendency, the dangerous class. He was not a party politician; he cared little for party or for party leaders. But any political party which in his judgment represented the dangerous tendency was a party to be defeated in the interest of the peace and progress of all the people.

But his judgment, always profoundly sincere, was it not sometimes profoundly mistaken? No nobler friend of freedom and of man than Wendell Phillips ever breathed upon this continent, and no man's service to freedom surpasses his. But before the war he demanded peaceful disunion — yet it was the Union in arms that saved Liberty. During the war he would have superseded Lincoln — but it was Lincoln who freed the slaves. He pleaded for Ireland, tortured by centuries of misrule, and while every generous heart followed with sympathy the pathos and the

power of his appeal, the just mind recoiled from the sharp arraignment of the truest friends in England that Ireland ever had. I know it all; but I know also, and history will remember, that the slave Union which he denounced is dissolved; that it was the heart and conscience of the nation, exalted by his moral appeal of agitation, as well as by the enthusiasm of patriotic war, which held up the hands of Lincoln, and upon which Lincoln leaned in emancipating the slaves, and that only by indignant and aggressive appeals like his has the heart of England ever opened to Irish wrong.

No man, I say, can take a pre-eminent and effective part in contentions that shake nations, or in the discussion of great national policies, of foreign relations, of domestic economy and finance, without keen reproach and fierce misconception. "But death," says Bacon, "bringeth good fame." Then, if moral integrity remain unsoiled, the purpose pure, blameless the life, and patriotism as shining as the sun, conflicting views and differing counsels disappear, and firmly fixed upon character and actual achievement, good fame rests secure. Eighty years ago, in this city, how unsparing was the denunciation of John Adams for betraying and ruining his party, for his dogmatism, his vanity and ambition, for his exasperating impracticability — he, the Colossus of the Revolution! And Thomas Jefferson? I may truly say what the historian says of the Saracen mothers and Richard Cœur de Lion, that the mothers of Boston hushed their children with fear of the political devil incarnate of Virginia. But, when the drapery of mourning shrouded the columns and overhung the arches of Faneuil Hall, Daniel Webster did not remember that sometimes John Adams was imprudent and Thomas Jefferson sometimes unwise. He remembered only that John Adams and Thomas Jefferson were two of the greatest American patriots — and their fellow-citizens of every party bowed their heads and said, Amen. I am not here to declare that the judgment of Wendell Phillips was always sound, nor his estimate of men always just, nor his policy always approved by the event. He would have scorned such praise. I am not here to eulogize the mortal, but the immortal. He, too, was a great American patriot; and no American life — no, not one — offers to future generations of his countrymen a more priceless example of inflexible fidelity to conscience and to public duty; and no American more truly

than he purged the national name of its shame, and made the American flag the flag of hope for mankind.

Among her noblest children his native city will cherish him, and gratefully recall the unbending Puritan soul that dwelt in a form so gracious and urbane. The plain house in which he lived,—severely plain, because the welfare of the suffering and the slave were preferred to books and pictures and every fair device of art; the house to which the North Star led the trembling fugitive, and which the unfortunate and the friendless knew; the radiant figure passing swiftly through these streets, plain as the house from which it came, regal with a royalty beyond that of kings; the ceaseless charity untold; the strong sustaining heart of private friendship; the sacred domestic affections that must not here be named; the eloquence which, like the song of Orpheus, will fade from living memory into a doubtful tale; that great scene of his youth in Faneuil Hall; the surrender of ambition; the mighty agitation and the mighty triumph with which his name is forever blended; the consecration of a life hidden with God in sympathy with man — these, all these, will live among your immortal traditions, heroic even in your heroic story. But not yours alone! As years go by, and only the large outlines of lofty American characters and careers remain, the wide republic will confess the benediction of a life like this, and gladly own that if with perfect faith and hope assured America would still stand and "bid the distant generations hail," the inspiration of her national life must be the sublime moral courage, the all-embracing humanity, the spotless integrity, the absolutely unselfish devotion of great powers to great public ends, which were the glory of Wendell Phillips.

CALEB CUSHING

(1800–1879)

ALEB CUSHING represented a Massachusetts district in Congress from 1835 to 1843; was United States Commissioner to China from 1843 to 1844; was a Colonel and Brigadier-General in the Mexican War; Attorney-General under the Pierce administration from 1853 to 1857; Counsel for the United States before the Geneva Arbitration Tribunal from 1871 to 1872, and Minister to Spain from 1874 to 1877. He was nominated by President Grant for Chief-Justice in 1873, but the nomination was withdrawn. He was a great lawyer who aimed to make out his case by precedents, documentary proofs, historical evidence, and close reasoning, rather than by appeals to feeling or sentiment. But in his most studied efforts of this kind he would sometimes be carried off, apparently against his will, into bursts of passionate eloquence. Active as he was in public affairs and in the practice of his profession, he found time to write a number of books. He was born at Salisbury, Massachusetts, January 17th, 1800, and died at Newburyport, Massachusetts, January 2d, 1879.

The Defense of John Quincy Adams, delivered in the House of Representatives in 1837 by Mr. Cushing, soon ceased to be a mere plea for the rights of an individual, and became a defiant and most eloquent assertion of what he called, «the primordial rights of the universal people.» «I disdain to hold these rights by any parchment title,» he said. «The people of the Commonwealth of Massachusetts, the people of every State of this Union, came into it in the full possession of all these rights. . . . They are rights of heaven's own giving; we hold them by the supreme tenure of revolution; we hold them by the dread arbitrament of battle; we hold them by the concession of a higher and broader charter than all the constitutions in the land; the free donation of the eternal God, when he made us to be men.» This is clearly an unpremeditated outburst of deep feeling, and if the periods of which it is a part were never afterwards equaled by Mr. Cushing, it is perhaps true that the expression they give the idea of the «Higher Law» has never been equaled by any one else.

THE PRIMORDIAL RIGHTS OF THE UNIVERSAL PEOPLE

(Delivered in the House of Representatives, February 7th 1837, against Censuring John Quincy Adams for "an Effort to Present a Petition from Slaves")

THIS House is called upon to punish my colleague for the alleged offense of speaking words in his place, and in the execution of his duty, which give color to the idea that slaves possess the right of petition. Was it an offense? And if so, in what text is the offense defined and the punishment prescribed? There is no such text. The proposition is to censure my colleague at the mere will of the House — its arbitrary will — for an act which offends a portion of its members, by raising the implication of an erroneous idea. Whither is this precedent to lead? Is it not utterly subversive of the freedom of debate? A Member is not to utter an opinion, or by words of inquiry insinuate an opinion, obnoxious to the rest of the House? I must express my surprise — I will not say my indignation, because that would infer reproach — that gentlemen who continually themselves exercise the privilege of debate in its widest latitude — who stretch it to the farthest verge — who do this in the utterance of opinions offensive to a majority of the House — my profound astonishment that such gentlemen should urge the arbitrary punishment of my colleague for a pretended abuse of the right of debate. Or do Members from the South conceive they are to have the privilege of speech exclusively to themselves? If so, it is time they should awake from their self-delusion.

Relying, however, very little on the merits of the question, gentlemen seek to justify their purpose by other considerations. To begin, they denounce in no measured terms the distinguishing opinions of Massachusetts on the subject of this great question of public liberty, incidental to the resolution before us. They err most egregiously, if they believe that such opinions are exclusively peculiar to Massachusetts or to New England. Those opinions prevail quite as extensively in the great States of New York, Pennsylvania, and Ohio, for example, as they do in New England. They are, indeed, opinions of elemental right lying at the very bottom of all the political institutions of the country. It may be that such opinions are more strongly held and more universally understood in New England than elsewhere in the

United States. I may not deny it. Deny it? I glory in the fact. It is the proof and the result of our old and persevering dedication to liberty.

Gentlemen talk to us of these our great fundamental rights — as the freedom of speech, of opinion, of petition — as if they were derived from the Constitution of the United States. I scout such a doctrine. If there were a drop in my veins that did not rebel against the sentiment, it would be bastard blood. Sir, I claim to be descended from the king-killing Roundheads of the reign of Charles I. through a race of men not unremembered in peace or war; never backward in the struggles of liberty; a family upon the head of a member of which the first price of blood was set by Great Britain, in revenge of his early devotion to the cause of independence. I venerate their character and their principles. I am ready to do as they did — to abandon all the advantages of country, home, fortune, station — to fly to some western wilderness — and to live upon a handful of parched corn and a cup of cold water, with God's blessing on honest independence — sooner than I will surrender one jot or tittle of those great principles of liberty which I have sucked in with my mother's milk. I disdain to hold these rights by any parchment title. The people of the Commonwealth of Massachusetts, the people of every State of this Union, came into it in the full possession and fruition of all these rights. We did not constitute this Government as the means of acquiring new rights, but for the protection of old ones which nature had conferred upon us; which the Constitution rightly regards as pre-existing rights, and as to which all the Constitution does is to provide that these rights neither you, nor any power on earth, shall alter, abrogate, or abridge. They are rights of heaven's own giving. We hold them by the supreme tenure of revolution. We hold them by the dread arbitrament of battle. We hold them by the concession of a higher and broader charter than all the constitutions in the land,— the free donation of the eternal God when he made us to be men. These, the cardinal principles of human freedom, he has implanted in us, and placed them before and behind and around us, for our guard and guidance, like the cloud by day and the pillar of fire by night, which led the Israelites through the desert. It is a liberty, native, inborn, original, underived, imprescriptible, and acknowledged in the Constitution itself as pre-eminently before and above the Constitution.

Now, in their denunciations of the North, it is these, the very primordial rights of the universal people of the United States, that gentlemen from the South assail. They strike at the freedom of opinion, of the press, and of speech, out of doors — and the right of petition and debate in this House.

It seems to be imputed as a crime, to a portion of the inhabitants of the nonslaveholding States, that they entertain sentiments condemned by a majority of this nation. But can it be a crime? I appeal once again to that portion of the Members from the South who are foremost in this debate — I mean the gentleman from South Carolina [Mr. Thompson] and his friends — who on certain subjects differ in opinion with a great majority of their countrymen; and I ask them whether they stand prepared to abide by and sustain the doctrine that opinions, unacceptable to the majority, are a moral or political crime. Will they apply to themselves the rule of judgment which they urge so vehemently against the people of the North? Will they deliberately sanction such an odious doctrine? I know they cannot. They must perceive that it is impossible by any act of the will to control the conclusions of the mind. It is our duty, in all the contingencies of life, to weigh well the facts and the reasonings upon which our judgments are to be formed; to apply to every question a conscientious desire to arrive at the truth; to spare no means to inform ourselves rightly as to the matters which the mind is to judge. But the result is not a thing within the scope of the will. And it is monstrous, therefore, to bring opinions to the bar of legal censure. It is a violation of the interior sanctuary of a man's own soul. It is the very acme of tyranny. The arbitrary power to condemn and punish opinion is that which gave birth to the Protestant reformation, and which has rendered the inquisition a byword of odium and reproach. It is that self-same thing from which our fathers fled,— the Puritans, the Catholics, the Quakers, the Huguenots,— when they left their native Europe to found an asylum for conscience in this New World. It is that which has nerved the arm and edged the sword, in every contest of liberty, which lightens along the history of civilized man.

As to speech and the press — I admit that here there is more difficulty than in the case of opinion. It is a practical problem, extremely difficult of solution, to determine always how much of liberty in this respect is possible to be maintained, without degenerating into licentiousness. And it is a practical question,

greatly dependent on times and circumstances. I shall not seek, in these cursory remarks, to solve the problem. It suffices for my present purpose to suggest the idea, that the suppression of political inquiry, while it is a thing hostile to the general spirit of our institutions, is hard of accomplishment, and apt enough to end in aggravating the evil it is designed to remedy.

I had occasion, the last winter, to express my views on the general subject of the right of petition. They remain without change. And I can but repeat my conviction, that this, like the liberty of conscience and the press, is not a right given by the Constitution, but an original right of the constituent people of the United States, and one which they never parted with, but in their compacts of political fellowship expressly saved from all abridgment and limitation forever. The right of the people to petition for a redress of grievances, and the duty of Congress to receive and consider such petitions, are in my estimation the correlative conditions of the right. A petition is the formal mode in which the people bring their wants or opinions to the direct notice of Congress. It is an essential ingredient of representative institutions. To forbid the citizen to prefer his wishes to Congress by petition would be to lop off one of the chief democratic features of our Government, and to convert it into an aristocracy of elective despotism. It would be a curtailment of the constitutional liberties of the people of the United States, to which they could not and should not submit.

Mr. Speaker, such are my sentiments in regard to these great fundamental rights of my fellow-citizens. I think they are, in the substance and the general outline, the sentiments of the bulk of the people of the North; and I had fondly imagined, until very recently, that they were sentiments co-extensive in prevalence with the jurisdiction of the Republic. Entertaining this belief, I have deeply regretted to see the dangerous topic of slavery mixed up with other questions, wholly foreign to it in principle.

Sir, I put it to gentlemen, in all directness and sincerity, do they suppose that angry attacks on the freedom of opinion, of speech, of the press, of petition, of debate, are likely to check the spread in the United States of that disapprobation of slavery, which is but another form, conversely considered, of the love of liberty? Do they deem it possible to smother the opinions and stifle the petitions of the free men of the United States? Aye, and of the

free women, too? For I confess it seems to me a strange idea to uphold, in this enlightened age, that woman, refined, educated, intellectual woman, is to have no opinion, or no right to express that opinion. Do gentlemen soberly think their cause can be strengthened in the country, by bringing to the bar of the House for contempt, by subjecting to censure, by expelling, a Representative of one of the free States, because he may have given color to the idea that slaves can petition Congress?

The resolution before the House proposes to censure my colleague for the act of stating that he held a paper purporting to be a petition from slaves, and asking of the Speaker whether such a paper fall within a certain order of the House.

Now, as I have already said, I hold the right of petition to be an original and unalienated right of the people of the United States, secured to them by the Constitution, but not derived from it. I hold that the right appertains, not to the subject-matter of the petition, but to the person of the petitioner. I hold, also, that the obligation to receive a petition corresponds to the right of petitioning; since the right, without the duty, is a mere name, and not a substance. And there may be a power to receive a petition, without any obligation to receive it, or any right to insist upon its reception as a corresponding duty. For instance, Congress has the power to receive a petition of a foreigner, and yet Congress lies under no obligation to receive it, because the right of petition is guaranteed only to the people of the United States. Is it not, as a matter of constitutional law, just so in the case of a slave? The Constitution guarantees to the constituent people of the United States their natural rights of opinion, discussion, assembly, and petition, against all abridgment. Are slaves embraced within these guarantees of the Constitution? I think not. As to the natural right of the slave in these particulars, that, like his natural right of personal freedom, not being assured to him by the constitutional compact, is not a question within the constitutional competency of Congress.

But the inquiry whether Congress may receive the petition of a slave depends on other considerations. It is a question, not of the right of the petitioner, but of the discretion or power of the petitioned. And this appears to me to be just such a matter-of-fact question of common sense as might occur in the relations of private life. There is a multitude of supposable cases in which I could receive and grant the request — that is, the petition — of

a slave. I cannot infringe the legal rights of the master without becoming amenable to the law of the land; nay, to a higher forum, since I should be doing an act immoral and dishonorable as well as illegal. He is in the eye of the law the property of his master. But is he not also a human being? Does not the Constitution of the United States expressly call him a person, while making him an integral part of the basis of representation? Can he prefer no petition, no request, no prayer, in any circumstances? If I see him drowning in the canal, or about to be struck down by a stranger, and he cry to me for succor, may I not then listen to him? Suppose a memorial to come to me from a slave, setting forth by well-authenticated statements that he is in a foreign land, oppressed and wronged, and his master, a citizen of this country, does not know it, or cannot be found; may I not bring the matter before the Government, whether it be Congress or the Executive, whichever has the power to afford redress? What I mean to say is, that, in matters having nothing to do with Abolition, and not affecting in any other respect the legal rights of the master, it might be proper and reasonable to lend an ear to the petition of a slave. These, I know, are extreme cases; and they are suggested only as illustrations of my idea; for I would no more present a petition from slaves, in derogation of any of the constitutional rights of the South, than I would offer a deliberate insult to the Chair or to the House.

Having been at all times a strenuous advocate of the freedom of opinion, of the press, and of petition, I consider it my duty to state thus explicitly my views of the existing constitutional limitation of these immunities. It were unbecoming to be a stickler for the rights of one part of the country, and blind to the rights of another part. I resist the attempt to punish my colleague by a sort of *ex post facto* law, which in its tendency extinguishes the freedom of debate, and subjects every member to the arbitrary will of a majority. I defend the particular opinions of the North. I assert the freedom of opinion, speech, the press, petition, inherent in the people of the United States, and secured to them by the Constitution. But while I maintain the sanctity, the inviolability of these rights, as it befits a representative of Massachusetts to do, I will not practice here, nor countenance elsewhere, any encroachments on the constitutional rights of the South.

ENGLAND AND AMERICA IN CHINA

(In the House of Representatives, Monday, March 16th, 1840, on the British and Chinese Question — Noninterference of the United States)

I BEG leave to put a question to the chairman of the Committee on Foreign Affairs [Mr. Pickens], in regard to a matter concerning which misapprehension exists abroad, and which, though it touches individually myself and a colleague of mine now absent on a sick-bed [Mr. Lawrence], I should not have troubled the House with, if it were not of great public importance to the welfare and reputation of the United States.

[No objection being made, Mr. Cushing proceeded to say:]

I proposed a resolution early in the session, calling on the Executive for information as to our relations with China, which resolution, being afterwards submitted to the Committee on Foreign Affairs, was by them reported to the House, and adopted; and to which the Executive has since responded, in a message now in the possession of the House. My colleague [Mr. Lawrence] also presented a memorial from the citizens of the United States in China, relative to the same matter. These papers are now under consideration in the Committee on Foreign Affairs. Meanwhile, I am somewhat disturbed to learn, through the intelligence brought by the Great Western, that these movements here are construed in England as indicating a disposition on the part of the American Government "to join heart and hand" — as the expression is in a paragraph of an English ministerial journal now before me — "to join heart and hand with the British Government, and endeavor to obtain commercial treaties from the authorities in China." Now, so far as regards myself, I wish to say that this is a great misconception, if it be not a willful perversion, of what is contemplated here. I have, it is true, thought that the present contingency, — when the Americans at Canton, and they almost or quite alone, have manifested a proper respect for the laws and public rights of the Chinese Empire, in honorable contrast with the outrageous misconduct of the English there — and when the Chinese Government, grateful for the upright deportment of the Americans, has manifested the best possible feeling towards them — I have thought that these circumstances

afforded a favorable opportunity to endeavor to put the American trade with China on a just and stable footing for the future. But, God forbid that I should entertain the idea of co-operating with the British Government in the purpose — if purpose it have — of upholding the base cupidity and violence and high-handed infraction of all law, human and divine, which have characterized the operations of the British, individually and collectively, in the seas of China. I disavow all sympathy with those operations. I denounce them most emphatically.

THE EXTERMINATION OF THE INDIANS

(Delivered in the House of Representatives, February 6th, 1837)

THE fate of the Indians in every part of the United States has been a deplorable one, from the first day of our intercourse with them to the present hour. In Maine, the tribes so conspicuous once in the wars of New England and of Canada are sunk to a community of humble fishermen. In Massachusetts, in Rhode Island, in Connecticut, the Mohicans, the Pequots, the Narragansetts, names of pride and power, have dwindled to a wretched remnant. In New York, how few survive of that great and famous confederacy of the Six Nations! The Delawares and their kindred tribes have disappeared from Pennsylvania and Virginia. In the newer States, we see that process of decay or of extinction now going on which is consummated in the old ones; the Seminoles in arms on their native soil, fighting not for life or land, but for vengeance, and vowed, it would seem, like the Pequots, to a war of self-extermination; the Creeks, hurrying, in broken bands, to the West; the Cherokees, the most cultivated of the Southern tribes, pausing over their doomed exile, like the waters of the cataract, which gather themselves on the edge of the precipice, ere they leap into the inevitable abyss.

Is there no responsibility devolved on us by this state of things? That we are wholly responsible for it, I can by no means admit. The condition in which we see the Indians has arisen from the fact that they are savages; that they are savages in contact with cultivated men; that they have not had the institutions of civilized life to guard their nationality and their property against the frauds and the vices of rapacious traders and

land pirates, nor the arts of civilized life wherewith to gain subsistence. These are obstacles to their preservation, which we, as a people, in our efforts for their advantage, have perseveringly, but as yet vainly, endeavored to overcome. Wars between them and us have resulted almost inevitably from our contiguity. Yet those wars are not imputable to any general spirit of unkindness on our part; and we have strenuously endeavored to prevent their arming among themselves to protect them against the frauds and injustice of the lawless of our own people, and to impart to them the blessings of civilization.

Still, indirectly, it is clear, we have to answer for the present degradation of the Indians, since we sought them, not they us; and if no Europeans had come hither, the aboriginal inhabitants of the country would have retained their independence and their sovereignty. Abstractly considered, our conduct towards them, and the doctrines of public right which govern it, are marked by many traits of injustice. You take possession of their country by what you call "the right of discovery," or by conquest. "We pay them for it," do you say? Yes, you purchase land enough for the domicile of a nation with a string of beads. And it is impossible to adjust to the standard of abstract justice a dominion built on the bones and cemented with the blood of vanquished and extinguished tribes. You must offend against their natural rights, when your power could not otherwise stand. They feel as did the Indian described by Erskine: "Who is it," said the jealous ruler of the desert, encroached upon by the restless foot of transatlantic adventure—"who is it that causes this river to rise in the high mountains and to empty itself into the ocean? Who is it that makes the loud winds of winter to blow, and that calms them again in the summer? Who is it that rears up the shade of these lofty forests, and that blasts them with the quick lightning at his pleasure? The same Being who gave to you a country beyond the water, and gave ours to us!" "And by this title we will defend it," said the warrior, throwing down his tomahawk on the ground and raising the war cry of his nation. These are the feelings of subjugated men everywhere, civilized or uncivilized. These are the feelings which produce the scenes now occurring in Florida. They are the feelings in violation of which our empire in the New World was founded. Yet, will you abandon the land now by nativity yours, the homes of your kindred and your affection? You will not? But your dominion

over the country has no root in abstract equity, and it is extended and upheld only by your superior strength and art, not by their gratitude or their attachment for benefits received. And it behooves you to make reparation for the injury your very existence here inflicts on the Indian by promoting, in all possible ways, his welfare, civilization, and peace.

Every consideration of policy calls upon us to conciliate, if we may, the Indians within our jurisdiction. We have compacted together in the West emigrant Indians from various quarters, tribes unfriendly, inimical to each other, sections of tribes reciprocally hostile, and all embittered, more or less, against us, by whom they have been driven from their own ancient abodes and stripped of their long-descended independence. Can savage warriors, the captives of battle, transported to the West, as chiefs of the hostile Creeks have recently been, as prisoners of war in irons — can such men, constituted as they are, fail to nourish the vindictive and jealous feelings which belong to their nature? Will we take no pains to remove or allay these feelings of irritation? Will we deal justly with them hereafter? Will our equity and our mercy be manifested as signally as our power? Will we secure these victims of our destiny in their new lands; guard them against the intrusion of our own people, and from hostility among themselves? Will we redeem our promise of protection and political fellowship? It is but the question whether we shall enjoy peace and prosperity on our western frontier, or whether the Indian shall send his yell into the heart of our settlements, ravage our lands, burn our dwellings, massacre our wives and children. Would you rally his tribes to the flaming sign of war? Would you see the thirsty prairies soaked with the mingling blood of the red man and the white? If not, be warned in time by the spectacle of desolation and carnage in the South.

Is not East Florida laid waste? Have not millions upon millions been expended already in the as yet unavailing endeavor to subdue a fragment of the Seminoles? But what do we care for money? It is the sufferings of our own fellow-citizens, the lives of the brave men of our army and militia, perishing amid the pestilential swamps of that fatal region, the destruction of the deluded Indians themselves, the tarnished honor of our country, and not the treasure exhausted in war, which I deplore. How many generals have left that field of war baffled, if not defeated. Nay, is not the whole army of the United States thrown into

distraction, and half-dissolved by the contentions of rank, the competition of service, the criminations and recriminations which have sprung up in such rank abundance, like some noxious growth of the tropics, out of the soil of East Florida? and if the desperation of a few Seminoles, either by their own efforts or the contagion of their example, can excite a war that can summon regiment after regiment of troops, to the amount, it is reported to us first and last, of some twenty-five thousand men, what would be the consequence if injustice or mismanagement should kindle a similar flame among the Cherokees, the Creeks, and the great body of the emigrant Indians? God forbid that such a calamity should descend upon our beloved country!

Dictates of duty in this matter are not less imperative than arguments of policy. The Indians are in our hands. They have been sunk to what they are, if not by us, yet through us. We have assumed the guardianship of them, and have pledged ourselves by stipulation after stipulation to watch over their welfare. I invoke the faith of treaties, I appeal to the honor of the nation, I demand of its truth and justice, if there be any sense of right in civilized communities, that we act decidedly and promptly in the execution of some well-digested plan for the benefit of the Indians subject to our authority. Let us not speak to them only as conquerors and in the language of relentless vigor, but to the vigor that shall overawe and control, let us join the justice that shall command respect and the clemency that shall conciliate affection.

CYPRIAN

(200–258)

THASCIUS CÆCILIUS CYPRIAN, Bishop of Carthage, beheaded in 258 A.D., during the Valerian persecution, began life as a teacher of rhetoric and oratory at Carthage. It is said that he was passionately fond of eloquence and, on being converted to Christianity at the age of forty-eight, he quickly attained eminence in the church at a time when it could easily mean martyrdom — as it did in his case. It is said that he did more than any other early writer except possibly Saint Augustine, "to give form and character to the doctrine and practice of the Latin Church." His style as an orator is characterized by earnestness and directness, rather than by ornament. He was born about the year 200.

UNSHACKLED LIVING

(From a Sermon on the Lord's Prayer)

IT IS our prayer that the will of God may be done both in heaven and in earth; each of which bears toward the accomplishment of our health and salvation. Having a body from the earth, and a spirit from heaven, we are both earth and heaven; in both, that is, both in body and spirit, we pray that God's will may be done. Flesh and spirit have a strife between them, a daily encounter from their mutual quarrel, so that we cannot do the things that we would, because the spirit seeks things heavenly and divine, the flesh desires things earthly and temporal. Hence it is our earnest prayer that by God's help and aid a peace may be established between these two; that by the doing of God's will, both in the spirit and flesh, that soul may be preserved which has been born again through him. This the Apostle Paul, in distinct and manifest words, sets forth: "The flesh," saith he, "lusteth against the spirit, and the spirit against the flesh; and these are contrary the one to the other, so that ye cannot do the things that ye would. Now the works of the flesh are manifest, which are these, adulteries, fornications, uncleanness, lasciviousness, idolatry, witchcraft, murders, hatred,

variance, emulations, wrath, strife, seditions, heresies, envyings, drunkenness, reveling, and such like, of the which I tell you before, as I have also told you in times past, that they which do such things shall not inherit the kingdom of God. But the fruit of the Spirit is love, joy, peace, magnanimity, goodness, faith, kindness, continence, chastity." For this cause we make it our daily, yea, our unceasing petition, that God's will in us may be done, both in heaven and earth; for this is the will of God, that the earthly should give way to the heavenly, that spiritual and divine things should become supreme. . . .

It were a self-contradicting and incompatible thing for us, who pray that the kingdom of God may quickly come, to be looking unto long life in the world below. Thus, also, the blessed Apostle instructs us, forming and establishing the steadfastness of our hope and faith: "We brought nothing into this world, and neither can we carry anything out. Having, therefore, food and raiment, let us herewith be content. But they that will be rich fall into temptation and a snare and into many and hurtful lusts which drown men in destruction and perdition. For the love of money is the root of all evil, which, while some coveted after, they have made shipwreck from the faith, and pierced themselves through with many sorrows." He teaches us that not only are riches despicable, but are also dangerous; that in them is the root of seductive evils, misleading the blindness of the human heart by a concealed deception. Wherefore also God judges that rich fool whose thoughts were for his earthly stores, and who boasted himself in the multitude of his abundant gathering: "Thou fool, this night thy soul shall be required of thee; then whose shall those things be which thou hast provided?" The fool made merry in his stores, even that night when he was to die; and while life was ceasing from his hand, life's multiplied provision still employed his thought. The Lord, on the other hand, teaches us that he becomes the perfect and accomplished Christian who, by selling all he has and giving to the poor, stores up for himself a treasure in heaven. That man, he says, it is that can follow him and imitate the glory of the Passion of the Lord, who unimpeded and close-girt, involved in no shackle of worldly possessions, is enabled in unrestraint and freedom himself to follow after these his possessions, which he has already sent before to God. In order that each of us may train himself to this, he may learn to offer a prayer corresponding to his doing

so, and may be taught from the standard which his prayer puts before him the manner of man that he ought to be. The just man can never be in want for his daily bread since it is written, "The Lord will not suffer the soul of the righteous to famish." And again, "I have been young, and now am old, yet have I not seen the righteous forsaken, nor his seed begging bread." The Lord also makes promise and says: "Take no thought, saying, what shall we eat, or what shall we drink, or wherewithal shall we be clothed? For after all these things do the Gentiles seek; for your Father knoweth that ye have need of all these things. Seek ye first the kingdom of God and his righteousness, and all these things shall be added unto you." He promises to those who seek God's kingdom and righteousness, that all other things shall be added. For since all things are of God, to him that has God there will nothing fail, if himself be not failing unto God. Thus Daniel had a meal miraculously provided, when he was shut up by the command of the king in the den of lions; and among wild beasts hungering, yet sparing him, the man of God was nourished. Thus Elijah received sustenance in his flight, and was fed through persecution by ravens that ministered to him in his solitude, and birds that bare him meat. And oh! the horrid cruelty of human wickedness! the wild beasts spare, and the birds give food, while it is men that lurk and rage. . . .

He has added the rule besides, binding us under the fixed condition and responsibility that we are to ask for our sins to be forgiven in such sort as we forgive them that are in debt to us, knowing that our entreaties for sin will have no acceptance unless we deal toward our debtors in like manner. Hence, in another place, he says, "With what measure ye mete, it shall be measured to you again;" and the servant who, after being forgiven all his debt by his Lord, refused to forgive his fellow-servant, was cast back into prison; on refusing to yield to his fellow-servant, he lost what his Lord had previously yielded to him. These things Christ still more impressively sets forth in his commandments, in the fuller force of his authority: "When ye stand praying, forgive if ye have aught against any, that your Father also which is in heaven may forgive you your trespasses. But if ye do not forgive, neither will your Father which is in heaven forgive your trespasses." No excuse will abide you in the day of judgment, when you will be judged by your own

sentence, and as you have dealt toward others will be dealt with yourself. For God commands us to be peacemakers, and dwell with one heart and one mind in his house; and what he made us by our second nativity, such he would have us continue when new-born, that having become sons of God, we may abide in God's peace, and partake as of one spirit, so of but one heart and one mind. Hence it is that God accepts not the sacrifice of the unreconciled, and commands him to return first and agree with his brother, that the prayers of the peacemaker may set him at peace with God. . . .

After these things, at the conclusion of the prayer, comes a sentence comprising shortly and collectively the whole of our petitions and desires. We end by saying, "Deliver us from evil," comprehending all adverse things which the enemy in this world devises against us; wherefrom we have a faithful and firm protection, if God deliver us, and grant his aid to our entreaties and complaints. But having said, "Deliver us from evil," there remains nothing beyond for us to ask for, after petition made for God's protection from evil; for that gained, we stand secure and safe against all things that the devil and the world work against us. What fear hath he from this life, who has God through life for his guardian? We need not wonder, dearest brethren, that this is God's prayer, seeing how his instruction comprises all our petitioning in one saving sentence. This had already been prophesied by Isaiah the prophet, when, filled with the Holy Spirit, he spoke concerning the majesty and mercy of God; "summing up and cutting short his word, in righteousness, because a short word will God make in the whole earth." For when the word of God, our Lord Jesus Christ, came unto all, and, gathering together alike the learned and the unlearned, did to every sex and age set forth the precepts of salvation, he made a full compendium of his instructions, that the memory of the scholars might not labor in the heavenly discipline, but accept with readiness whatsoever was necessary unto a simple faith. Thus, when he taught what is life eternal, he gathered the mystery of life within an especial and divine brevity. "This," said he, "is life eternal, that they might know thee, the only true God, and Jesus Christ whom thou hast sent." In like manner, when he gathered forth from the law and prophets what were the first and greatest commandments, he said, "Hear, O Israel, the Lord thy God is one God. And thou shalt love the Lord

thy God with all thy heart, and with all thy soul, and with all thy strength: this is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbor as thyself. On these two commandments hang all the law and the prophets." And again, "Whatever good things ye would that men should do unto you, do ye even so to them; for this is the law and the prophets." . . .

Those who pray ought to come to God, not with unfruitful or naked prayers. Vainly we ask, when it is a barren petition that is given to God. For since "every tree not bringing forth good fruit is hewn down and cast into the fire," surely words also which bring no fruit must fail of favor with God, seeing they are joined with no productiveness in righteous deeds. Hence Divine Scripture instructs us, saying, "Prayer is good, with fasting and alms." For he who, in the day of judgment, will render to us a reward for our good works and alms is also a gracious listener to any that approach him in prayer, with the company of good works. Thus was it that the Centurion Cornelius, when he prayed, found a title to be heard. For he was one "that did many alms-deeds toward the people, and ever prayed to God." To him, when he was praying about the ninth hour, an angel came nigh, rendering testimony to his deeds, and saying, "Cornelius, thy prayers and thine alms are gone up in remembrance before God." Quickly do prayers go up to God, when the claims of our good works introduce them before him. Thus, also, the angel Raphael bare witness to the continual praying and continual alms-deeds of Tobias, saying, "It is honorable to reveal and confess the works of God. For when thou didst pray, and Sara, I did bring the remembrance of your prayers before the holiness of God. And when thou didst bury the dead, I was with thee likewise; and because thou didst not delay to rise up and leave thy dinner, to go and cover the dead, I was sent to prove thee; and now God hath sent me to heal thee and Jona, thy daughter-in-law. For I am Raphael, one of the seven holy angels, which go in and out before the glory of God." By Isaiah, likewise, the Lord admonishes and teaches us like things, thus testifying: "Loosen every knot of unrighteousness; release the oppression of contracts which have no power. Let the troubled go in peace, and break every unjust engagement. Deal thy bread to the hungry, and bring the poor that are cast out to thy house. When thou seest the naked, cover him, and

despise not them of thine own flesh. Then shall thy light break forth in season, and thy raiment shall spring forth speedily, and righteousness shall go before thee, and the glory of God shall cover thee. Then shalt thou call, and God shall hear thee, and while thou shalt yet speak, he shall say, Here I am." He promises that he is nigh, and hears and protects those who, loosening the knots of unrighteousness from the heart, and giving alms among the household of God, according to his commandment, do, by hearkening to what God claims of them, themselves acquire a title to be heard of him. The blessed Paul, having been assisted by the brethren in a needful time of pressure, declared that good works performed were sacrifices to God. "I am full," saith he, "having received of Epaphroditus the things which were sent from you, an odor of a sweet smell, a sacrifice acceptable, well-pleasing to God. For when one hath pity on the poor, he lendeth to God"; and he that gives, even to the least, gives to God, spiritually sacrificing to God an odor of a sweet smell.

CYRIL

(315–386)

CYRIL of Jerusalem bears translation into English much better than many others of the celebrated pulpit orators of the first centuries of the Christian era. In many of the sermons of that period eloquence, which depends primarily on profound religious conviction, scarcely survives at all when deprived of its melodious expression in Greek or Latin. Cyril, however, has a poetry of idea, which makes such sermons as that which he preached from the second and third verses of the thirty-eighth chapter of Job, eloquent in any language into which they are translated. He was born near Jerusalem about 315 A. D. In 350 A. D. he succeeded to the bishopric of Jerusalem, from which seven years later he was deposed as the result of a controversy with Acacius, the Arian Bishop of Cæsarea. Four years later he was restored to his see and held it until his death in 386 A. D. His works were edited by Touttée in 1720.

THE INFINITE ARTIFICES OF NATURE

(From a Sermon on the Second and Third Verses of the Thirty-Eighth Chapter of Job)

WHAT! is there not much to wonder at in the sun, which, being small to look on, contains in it an intensity of power, appearing from the east, and shooting his light even to the west? The Psalmist describes his rising at dawn, when he says, "Which is as a bridegroom coming out of his chamber." This is a description of his pleasant and comely array on first appearing to men; for when he rides at high noon we are wont to flee from his blaze; but at his rising he is welcome to all, as a bridegroom to look on. Behold, also, how he proceeds (or rather not he, but one who has by his bidding determined his course); how in summer time aloft in the heavens he finishes off longer days, giving men due time for their works; while in winter he straightens his course, lest the day's cold last too long, and that the night's lengthening may conduce both to the rest of men, and to the fruitfulness of the earth's productions. And

see, likewise, in what order the days correspond to each other, in summer increasing, in winter diminishing, but in spring and autumn affording one another a uniform length; and the night again in like manner. And as the Psalmist saith concerning them, "Day unto day uttereth speech, and night unto night showeth knowledge."

For to those who have no ears, they almost shout aloud, and by their orders say there is no other God save their Maker and the appointer of their bounds, him who laid out the universe. . . .

Those persons ought to have felt astonishment and admiration, not only at the sun and moon, but also at the well-ordered choirs of the stars, their unimpeded courses, their respective risings in due season; and how some are the signs of summer, others of winter, and how some mark the time of sowing, others introduce the season of sailing. And man, sitting in his ship, and sailing on the boundless waves, looks at the stars and steers his vessel. Well, says Scripture, concerning these bodies, "Let them be for signs and for seasons, and for days and for years"; not for star-gazing and vain tales of nativities. Observe, too, how considerately he imparts the daylight by a gradual growth; for the sun does not rise upon us while we gaze, all at once, but a little light runs up before him, that by previous trial our eyeball may bear his stronger ray; and again, how he has cheered the darkness of night by the gleam of moonlight.

Who is the father of rain; and who hath given birth to the drops of dew? Who hath condensed the air into clouds, and bid them carry the fluid mass of showers, at one time bringing from the north golden clouds, at another giving these a uniform appearance, and then again curling them up into festoons and other figures manifold? Who can number the clouds in wisdom? of which Job saith, "He knoweth the balancings of the clouds, and hath bent down the heaven to the earth; and he who numbereth the clouds in wisdom; and the cloud is not rent under them." For though measures of water ever so many weigh upon the clouds, yet they are not rent, but with all order come down upon the earth. Who brings the winds out of his treasures? Who, as just now said, "hath given birth to the drops of dew? Out of whose womb cometh forth the ice," watery in its substance, but like stone in its properties? And at one time the water becomes snow like wool, at another it ministers to him

who scatters the hoar-frost like ashes; at another it is changed into a stormy substance, since he fashions the waters as he will. Its nature is uniform, its properties manifold. Water in the vines is wine, which maketh glad the heart of man; and in the olives oil, to make his face to shine; and is further transformed into bread, which strengtheneth man's heart, and into all kinds of fruits.

For such wonders was the great artificer to be blasphemed, or rather worshiped? And, after all, I have not yet spoken of that part of his wisdom which is not seen. Contemplate the spring and the flowers of all kinds, in all their likeness, still diverse from one another: the deep crimson of the rose, and the exceeding whiteness of the lily. They come of one and the same rain, one and the same earth. Who has distinguished, who has formed them? Now do consider this attentively: The substance of the tree is one — part is for shelter, part for this or that kind of fruit, and the artificer is one. The vine is one, and part of it is for fuel, part for clusters. Again, how wondrously thick are the knots which run round the reeds, as the artificer hath made them! But of the one earth came creeping things, and wild beasts and cattle and trees and food and gold and silver and brass and iron and stone. Water was but one nature; yet of it comes the life of things that swim and of birds, and as the one swims in the waters, so also the birds fly in the air.

And this great and wide sea, in it are things creeping innumerable. Who can tell the beauty of the fishes that are therein? Who can describe the greatness of the whales, and the nature of its amphibious animals? how they live both on dry land and in the waters? Who can tell the depth and breadth of the sea, or the force of its enormous waves? Yet it stays within its boundaries, because of him who said, "Hitherto shalt thou come, and no further; and here shall thy proud waves be stayed." And to show the decree imposed on it when it runs upon the land, it leaves a plain line on the sands by its waves, declaring, as it were, to those who see it, that it has not passed its appointed bounds.

Who can understand the nature of the fowls of the air,— how some have with them a voice of melody, and others have their wings enriched with all manner of painting, and others soaring on high stay motionless in the midst of the sky, as the hawk? For by the Divine command, "the hawk, having spread out her

wings, stays motionless, looking down toward the south." Who of men can behold the eagle? But if thou canst not read the mystery of birds when soaring on high, how wouldst thou read the Maker of all things?

Who among men knows even the names of all wild beasts, or who can accurately classify their natures? But if we know not even their bare names, how should we comprehend their Maker? The command of God was but one, which said: "Let the earth bring forth wild beasts and cattle and creeping things, after their kinds"; and distinct natures sprang from one voice, at one command — the gentle sheep and carnivorous lion — also the various instincts of irrational creatures, as representations of the various characters of men. The fox is an emblem of men's craftiness, and the snake of a friend's envenomed treachery, and the neighing horse of wanton young men, and that busy ant to arouse the sluggish and the dull; for when a man passes his youth idly, then he is instructed by irrational creatures, being reproved by that Scripture which saith, "Go to the ant, thou sluggard; consider her ways and be wise," for when thou beholdest her in due season treasuring up food for herself, do thou copy her, and treasure up for thyself the fruits of good works for the world to come. And again, "Go to the bee, and learn how industrious she is"; how, hovering about all kinds of flowers, she culls the honey for thy use, that thou, also, ranging over Holy Scriptures, mayst lay hold on thy salvation, and, being satisfied with it, mayst say: "How sweet are thy words unto my taste; yea, sweeter than honey and the honeycomb unto my mouth."

Is not the Artificer, then, rather worthy to be glorified? For what, if thou know not the nature of everything, are the things, therefore, which he has made, without their use? For canst thou know the efficacy of all herbs? or canst thou learn all the advantage which comes of every animal? Even from poisonous adders have come antidotes for the preservation of men. But thou wilt say to me: "The snake is terrible." Fear thou the Lord, and it shall not be able to hurt thee. "The scorpion stings." Fear thou the Lord, and it shall not sting thee. "The lion is bloodthirsty." Fear thou the Lord, and he shall lie down beside thee, as by Daniel. And, truly, there is whereat to wonder, in the power even of the creatures; how some, as the scorpion, have their weapon in a sting, while the power of others is

in their teeth, and others, again, get the better by means of hoofs, and the basilisk's might is his gaze. Thus, from this varied workmanship, think of the Artificer's power.

But these things, perchance, thou art not acquainted with; thou hast nothing in common with the creatures which are without thee. Now, then, enter into thyself and consider the Artificer of thine own nature. What is there to find fault with in the framing of thy body? Master thine own self, and there shall nothing evil proceed from any of thy members. At the first, Adam, in Paradise, was without clothing, as was Eve; but it was not because of aught that he was that he was cast out. Naught that we are, then, is the cause of sin, but they who abuse what they are; but the Maker is wise. Who hath "fenced us with sinews and bones, and clothed us with skin and flesh"; and, soon as the babe is born, brings forth fountains of milk out of the breast? And how doth the babe grow to be a child, and the child to be a youth, and then to be a man, and is again changed into an old man, no one the while discerning exactly each day's change? How, also, does part of our food become blood, while another part is separated for the draught, and another is changed into flesh? Who is it that gives the never-ceasing motion to the heart? Who hath wisely guarded the tenderness of the eyes with the fence of the eyelids? for, concerning the complicated and wonderful contrivance of the eyes, scarcely do the ample rolls of physicians sufficiently inform us. Who, also, hath sent each breath we draw, through the whole body? Thou seest, O man, the Artificer; thou seest the wise Contriver.

GEORGE M. DALLAS

(1792–1864)

GEORGE MIFFLIN DALLAS, of Philadelphia, Vice-President of the United States under the Polk administration (1845–49), represents in American history the practical politics of the period during which Pennsylvania was the "Keystone State." After Jackson, with the Southwest behind him, had destroyed the balance between Virginia and New England, there was a period of twenty years or more, ending with Buchanan and the Civil War, during which the question of the balance of power in national politics was between New York and Pennsylvania, with the advantage in favor of the latter State. In 1832 when Dallas spoke in the Senate against the position of South Carolina on the tariff, he defined the "Pennsylvania Idea" of his day by saying, "I am inflexible, sir, for nothing but adequate protection." Yet such are the compromises of politics that he was nominated for Vice-President on the ticket with Polk, of Tennessee, while it was under Buchanan, of Pennsylvania, that the country made its nearest approach to free trade.

Dallas was born in Philadelphia, July 10th, 1792. He was a graduate of Princeton, and his speeches show him to have been a man of superior education. His first political service was in Russia as an attaché of the American legation under Gallatin. Most of his life was spent in the public service. He was Mayor of Philadelphia, 1825; United States District-Attorney under Jackson, 1829; United States Senator, 1831–33; Ambassador to Russia under Van Buren, 1837–39; Vice-President of the United States, 1845–49; and Minister to England, 1856–61. He died at Philadelphia, December 31st, 1864.

"THE PENNSYLVANIA IDEA"

(From the Speech against South Carolina's Position on the Tariff — Delivered in the United States Senate, Monday, February 27th, 1832)

FIFTY-SIX years have ripened this confederated nation to a condition of unprecedented and incontestable greatness; greatness in extent; greatness in resources; greatness in moral and intellectual character; greatness in political structure and jurisprudence; greatness in the renown which follows just and successful wars; and greatness which results from the acquisition

of a before unknown sum of human contentment and freedom. Providence has smiled upon the work of our progenitors, and has blessed its progress. The whole civilized world has marked, with reiterated astonishment, the rapidity of our advancement; and, at this moment, from the Pisgah of Eastern eminence, exulting and longing myriads are pointing to our Western institutions as the objects towards which they have yet fruitlessly journeyed through a wilderness of ages and of wretchedness.

Who is there, sir, that, seeing this great result of our councils and forecast, can desire a change in the organic structure or practical legislation by which it has been effected? I have heard much on this floor of sectional divisions, sectional interests, sectional doctrines, sectional feelings, and sectional parties; of the East, the South, and the West; but I cannot adopt the language, and will not entertain the sentiments by which it is prompted. I claim no peculiar merit for the noble Commonwealth whose representative I am, for her uniform devotion to the union and democracy of these States, for her unwavering co-operation in all the efforts which have carried the nation to its present exaltation; she has done no more and no less than other portions of our Republic. But I will not recognize the right, claimed from what quarter it may be, to mar and deface the monument of our common labors; to tear down piecemeal, or at a blow, the structure which every hand has equaled and simultaneously contributed to erect; to prostrate and crumble into dust the fairest fabric ever yet reared by the energies and virtues of confederated freemen.

If, sir, in the picture I have sketched of the condition of our country, shades have been omitted which really exist, they ought to be introduced, they ought to be frankly met, and the assembled wisdom of the legislative bodies should anxiously devise remedies and relief. The impressive and gloomy description of the Senator from South Carolina [Mr. Hayne] as to the actual state and wretched prospects of his immediate fellow-citizens, awakens the liveliest sympathy and should command our attention. It is their right; it is our duty. I cannot feel indifferent to the sufferings of any portion of the American people; and esteem it inconsistent with the scope and purpose of the Federal Constitution that any majority, no matter how large, should connive at, or protract, the oppression or misery of any minority, no matter how small. I disclaim and detest the

idea of making one part subservient to another; of feasting upon the extorted substance of my countrymen; of enriching my own region by draining the fertility and resources of a neighbor; of becoming wealthy with spoils which leave their legitimate owners impoverished and desolate. But, sir, I want proof of a fact, whose existence, at least as described, it is difficult even to conceive; and, above all, I want the true causes of that fact to be ascertained; to be brought within the reach of legislative remedy, and to have that remedy of a nature which may be applied without producing more mischiefs than those it proposes to cure. The proneness to exaggerate social evils is greatest with the most patriotic. Temporary embarrassment is sensitively apprehended to be permanent. Every day's experience teaches how apt we are to magnify partial into universal distress, and with what difficulty an excited imagination rescues itself from despondency. It will not do, sir, to act upon the glowing or pathetic delineations of a gifted orator; it will not do to become enlisted, by ardent exhortations, in a crusade against established systems of policy; it will not do to demolish the walls of our citadel to the sounds of plaintive eloquence, or fire the temple at the call of impassioned enthusiasm.

What, sir, is the cause of Southern distress? Has any gentleman yet ventured to designate it? Can any one do more than suppose, or argumentatively assume it? I am neither willing nor competent to flatter. To praise the honorable Senator from South Carolina would be —

> "To add perfume to the violet —
> Wasteful and ridiculous excess."

But if he has failed to discover the source of the evils he deplores, who can unfold it? Amid the warm and indiscriminating denunciations with which he has assailed the policy of protecting domestic manufactures and native produce, he frankly avows that he would not "deny that there are other causes besides the tariff, which have contributed to produce the evils which he has depicted." What are those "other causes"? In what proportion have they acted? How much of this dark shadowing is ascribable to each singly, and to all in combination? Would the tariff be at all felt, or denounced, if these other causes were not in operation? Would not, in fact, its influence, its discriminations, its inequalities, its oppressions, but for these "other causes," be

shaken by the elasticity and energy and exhaustless spirit of the South, as "dewdrops from the lion's mane"? These inquiries, sir, must be satisfactorily answered before we can be justly required to legislate away an entire system. If it be the root of all evil, let it be exposed and demolished. If its poisonous exhalations be but partial, let us preserve such portions as are innoxious. If, as the luminary of day, it be pure and salutary in itself, let us not wish it extinguished, because of the shadows, clouds, and darkness, which obscure its brightness or impede its vivifying power.

Sir, there are "other causes" than the policy of protection, to which our Southern brethren might, and, in my opinion, ought to impute the deplored evils under which they suffer. Some of these are adequate to produce, and, if not providentially arrested in their progress, will unavoidably produce calamities far more extensive and desolating than any yet experienced. Every day, every hour, augments their force, enlarges their sphere, and manifests their agency. Nor is their onward march a sketch of fancy, or the conclusion of plausible argument; it is a fact, discernible to every eye, known to every well-informed man in the country, appreciated by every candid one, and disputed by none. The delusion and mistake lie in considering these "other causes" as secondary and slight, instead of primary and powerful; in visiting upon a subject of political dislike, consequences fairly and obviously attributable to specific, natural, social, or moral agencies; in fastening upon the tariff, as fanatics are apt to fasten upon their reputed conjurer or wizard, the storm of the elements, the barrenness of plantations, the debility arising from constitutional disease, and the mysterious operations of decay. . . .

I am inflexible, sir, as to nothing but adequate protection. The process of attaining that may undergo any mutation. Secure that to the home labor of this country, and our opponents shall have, as far as my voice and suffrage can give it to them, a *carte blanche* whereon to settle any arrangement or adjustment their intelligence may suggest. It might have been expected, not unreasonably, that they who desired change should tender their project; that they would designate noxious particulars, and intimate their remedies; that they would invoke the skill and assistance of practical and experienced observers on a subject with which few of us are familiar; and point with precision to such parts of the extensive system as can be modified without weak-

ening or endangering the whole structure. They have forborne to do this. They demand an entire demolition. Free trade is the burden of their eloquence, the golden fleece of their adventurous enterprise, the goal short of which they will not pause even to breathe. I cannot join their expedition for such an object. An established policy, coeval, in the language of President Jackson, with our Government; believed by an immense majority of our people to be constitutional, wise, and expedient, may not be abruptly abandoned by Congress without a treacherous departure from duty, a shameless dereliction of sacred trust and confidence. To expect it is both extravagant and unkind. But show us your scheme; call it one of revenue exclusively, if you will; names and epithets are immaterial; let it accommodate our policy with the new fiscal attitude of the nation and with your wishes; and, for one, I will give it the favorable hearing and consideration to which the purity of your motives and your alleged sufferings certainly entitle it. It is not impossible, sir (though I confess myself a very feeble instructor on this vast business), that some rational project may spring from sober and analytical inquiry to reconcile us all. I have heard intimated that new regulations in collecting the revenue might make the protection to manufactures even more effectual than it now is, and yet remove every cause of complaint. Let gentlemen set them forth for candid scrutiny. Shall it be by exacting the payment of duties in cash? By a system of licenses to auctioneers? By abolishing the assessment of duties on minimum values? Develop the scheme and enable us to judge. Do you prefer attaining your purpose by specific reductions of duty? On what articles, then? to what extent? by what gradual decrease? All we desire to enable us to prove our readiness to accommodate this entangling and distracting theme of legislation is that generalities may be relinquished; that an unconditional surrender to the Utopian theory of free trade may not be invoked; and that such modifications of the existing policy may be chalked out as will be useful to our opponents without being destructive to the policy itself.

I lament, Mr. President, having been obliged, in the discharge of a supposed duty, to trespass so long upon the indulgent attention of the Senate. I would close cheerfully, and forbear, in conformity with my original determination, adverting to any topic not directly connected with the subject of discussion. One mat-

ter, however, has been incidentally introduced, and has, in truth, been often vehemently urged upon our reflection, as to which I might be deemed a faithless and unfeeling representative were I to abstain from expressing the decided sense and anxious sentiments of the patriotic community who sent me here.

Sir, I have nothing so much and so deeply at heart as the maintenance of the harmony and perpetuity of this Union. Whatever may be the contrary and irreconcilable appearance of opinions, no danger is to be apprehended, and no difference can be contemned, while the preservation of our Constitution and the good of the country are the leading and paramount objects of us all. If there be any — certainly there are none upon this floor — who seek to distract the peace and dissolve the bonds of our federative Government; who would put at hazard, in pursuit of temporary projects, or to indulge ambitious aspirants, the repose and institutions of the Republic; who contemplate change and revolution; I beseech such men to extend their forecasting vision into the future, and to confront posterity. Let them be warned, by anticipating the judgment of that tribunal. The excitements of the day may be gratified; they may delude themselves into the belief that they are laboring to vindicate the Constitution, or to uphold the principles of human liberty; but if they recklessly involve the American people in the horrors, uncertainties, and fatal consequences of civil war, and of violent disruption, they must be content to receive, as a merited reward, an immortality of detestation. Their party and paltry pretexts will be forgotten; their refined discriminations in theory and their high-wrought declamation will be forgotten; even their virtuous passions will cease to extenuate their offense; and all posterity, struggling in vain to recombine the elements and to rebuild the edifice of our great and glorious and happy confederacy — amid the desolation of perpetual conflicts and in the darkness of sectional bondage — will doom them to loud, deep, and everlasting execration. Let no man, sir, seek elevation or renown, at the price of the National Union and tranquillity. He will never find it. Failing, he must rank during life among the few outcasts whom we have yet engendered; and if he achieve his country's ruin, when dead, the burning lava of universal hatred will roll hissing over his grave; and, though like "the aspiring youth who fired the Ephesian dome," he should acquire fame, it will be the fame of bitter and boundless abhorrence.

PETER DAMIANI

(1007–1072)

ST. PETER DAMIANI, poet, preacher, reformer, and flagellant, was born at Ravenna, Italy, in 1007. Such of his sermons as survive have all the characteristics of the Middle Ages before the Revival of Learning. That on the Last Journey of our Lord, in which he treats the untying of the ass on which Christ rode into Jerusalem as a parable, is a type of a class which illustrates the influence of the Northern races on oratory and literature. Damiani is an Italian by birth only, for in his style and modes of thought he represented the Gothic influences which in overthrowing Rome overthrew learning also. At the age of twenty-nine he became a hermit at Fonte Avellano in Umbria. He was noted for asceticism and self-inflicted scourgings. As a result, he became the head of an order of Flagellants, acquiring great influence which he used to put down the practice of simony and other abuses. He rose to the dignity of Bishop of Ostia and afterwards to that of Cardinal, with great influence at Rome. Besides his sermons, he left a number of poems, biographies of the saints, and other works.

THE SECRET OF TRUE GREATNESS

(From the Sermon, "The Presentation of Our Lord in the Temple")

IT DELIGHTS the heart to celebrate the present, let us take pleasure also in expecting the coming festival. Let that teach us to render thanks to our Redeemer; let this kindle us to the love of the celestial country. In that let us learn how much God suffered for man; in this let us meditate to how great a height of glory man has ascended by God. In that the only-begotten Son of God was humbly presented in the Temple; in this his most blessed servant was elevated in glory to the palace of heaven. In that his parents carried our Redeemer to Jerusalem that they might present him to the Lord; in this the holy angels carried to the heavenly Jerusalem the soul of this blessed confessor that they might present it to the presence of the Divine Majesty. In that the Mediator of God and Man, after

his circumcision, was presented as an infant in the temple; in this, the confessor, after laying aside the load of his earthly body, ascended in freedom to heaven. In that he who owed nothing to the law paid the tribute of the law; in this, he, who was obnoxious to death, escaped the dominion of death. The one in his birth from his mother vouchsafed to become mortal; the other by his death in the flesh merited to become immortal. God, by coming into the world, took upon himself the form of a servant; Severus, by departing from the world, was raised to the dignity of angels. But, unless the one had descended, the other could in no wise have ascended. Unless God had assumed the form of man, man could never have attained to the glory of heaven. Unless God had been humbled beneath himself, man could never have been exalted above himself. And what more shall I say? Unless he, that is God and Man, had been made a little lower than the angels, he that is mere man could never have become the equal of the angels. Which equality the Truth set forth in the Gospel, saying, "In the Resurrection they neither marry nor are given in marriage, but are like the angels of God in heaven." To this height of most happy dignity, if, O man, thou desirest to be elevated, endeavor with thy whole strength to be prostrated in the dejection of true humility; if thou desirest to be exalted in Christ, be first cast down in thyself; subdue the pride of the flesh, and raise thyself to the altitude of the Creator; restrain whatever swells within thyself, and thou shalt soon be exalted far beyond thyself.

NEW TESTAMENT HISTORY AS ALLEGORY

(From the Sermon on "The Last Journey of Our Lord to Jerusalem")

But when I consider thee, Lord Jesus, my admiration and my compassion increase. Why dost thou go to the Jews who lie in wait for thy soul? They are betrayers and murderers; trust not thyself to them for they love thee not; they will not pity thee; they will condemn thee to a most base death. Why dost thou hasten to endure such mocking, such scourging, such blaspheming? to be crowned with thorns, to be spit upon, to have vinegar given to thee to drink, to be pierced with the spear, to die, and to be laid in the sepulchre? In this thy resolution, in this thy design? My soul, when I consider it is over-

whelmed. I grieve with thee, Lord Jesus, over the miseries of thy passion. The advice of Peter, thy friend, is that which I should have given, who said, "Be it far from thee, Lord; this shall not happen unto thee. It is not meet that the Son of God should taste death." But this differs from thy counsel, who art determined to undergo thy passion. What then? Are we to follow the advice of Peter or Jesus? of the servant or of the Lord? of the disciple or of the Master? But the servant is not greater than his Lord, nor is the disciple more learned than his Master. We must acquiesce, therefore, in the determination of the Lord and Master who needs no other counsel; lest it be said to us with Peter, Get thee behind me, Satan; thou savorest not the things that be of God. For Peter knew not that Christ had from the beginning foreordained his passion, that by death he might destroy our death, and by rising again might restore our life.

That, then, which Divine Wisdom had foreordained he desired wisely to accomplish. He willed, according to the words of the prophet, to be humble and poor, to ride upon an ass, and so to enter into Jerusalem; as the Evangelist relates, saying: "When Jesus drew nigh to Jerusalem and was come to Bethphage and the Mount of Olives, then sent he two of his Disciples, saying: Go into the village over against you, and ye shall straightway find an ass tied and a colt with her; loose them, and bring them unto me." This village is the world, which rages against the Lord and his Disciples, not only by persecuting them with reproaches and injuries, but by inflicting on them a most cruel death. By the ass and the colt which were tied in the village are signified the people of the Jews, and that of the Gentiles, both of them in bondage to the chain of their sins. The ass, accustomed to the yoke, typifies the Jewish people that were subject to the yoke of the law. The colt that was wanton and unbridled denotes the Gentiles, who walked after the lusts of their own hearts. The two Disciples sent into the village are the preachers of the two Testaments, endued with twofold charity, the love of God and the love of our neighbor; or else Peter and Paul, of whom one was the Apostle of the Jews, and the other of the Gentiles. Whence the same Paul: "For he, who worked in Peter his apostleship, worked also with me among the Gentiles." These loosed both people from the error of infidelity, and, by the word of their preaching, brought them to the faith of Jesus Christ.

JOHN W. DANIEL

(1842–)

JOHN WARWICK DANIEL was born at Lynchburg, Virginia, September 5th, 1842. He was a boy at school when the Civil War began, but left his books to enlist as a private in the Stonewall Brigade. Wounded several times, he came out of the war a Major and went soon afterwards to the University of Virginia to complete his education. After studying law at the University, he was elected to the Virginia Legislature, and in the period between 1869 and 1881 served in both houses of that body, making such a reputation for oratory and general efficiency that the Democrats nominated him for Governor against Cameron. The "Readjuster" movement elected Cameron, but Mr. Daniel was elected to Congress in 1884 and a year later was chosen as the successor of General Mahone in the United States Senate. He has the reputation of being one of the most eloquent men in that body.

AT THE DEDICATION OF THE WASHINGTON MONUMENT

(From the Oration Delivered in the Hall of the House of Representatives, February 21st, 1885)

Mr. President of the United States, Senators, Representatives, Judges, Mr. Chairman, and My Countrymen:—

ALONE in its grandeur stands forth the character of Washington in history; alone like some peak that has no fellow in the mountain range of greatness.

"Washington," says Guizot, "Washington did the two greatest things which in politics it is permitted to man to attempt. He maintained by peace the independence of his country, which he had conquered by war. He founded a free government in the name of the principles of order and by re-establishing their sway." Washington did, indeed, do these things. But he did more. Out of disconnected fragments he molded a whole, and made it a country. He achieved his country's independence by the sword. He maintained that independence by peace as by

war. He finally established both his country and its freedom in an enduring frame of constitutional government, fashioned to make liberty and union one and inseparable. These four things together constitute the unexampled achievement of Washington.

The world has ratified the profound remark of Fisher Ames, that "he changed mankind's ideas of political greatness." It has approved the opinion of Edward Everett, that he was "the greatest of good men, and the best of great men." It has felt for him, with Erskine, "an awful reverence." It has attested the declaration of Brougham that "he was the greatest man of his own or of any age." . . .

Conquerors who have stretched your sceptres over boundless territories; founders of empires who have held your dominions in the reign of law; reformers who have cried aloud in the wilderness of oppression; teachers who have striven to cast down false doctrine, heresy, and schism; statesmen whose brains have throbbed with mighty plans for the amelioration of human society; scar-crowned vikings of the sea, illustrious heroes of the land, who have borne the standards of siege and battle, come forth in bright array from your glorious fanes, and would ye be measured by the measure of his stature? Behold you not in him a more illustrious and more venerable presence? Statesman, soldier, patriot, sage, reformer of creeds, teacher of truth and justice, achiever and preserver of liberty, the first of men, founder and savior of his country, father of his people — this is he, solitary and unapproachable in his grandeur!

Oh, felicitous Providence that gave to America our Washington!

High soars into the sky to-day, higher than the pyramid or the dome of St. Paul's or St. Peter's — the loftiest and most imposing structure that man has ever reared — high soars into the sky to where —

"Earth highest yearns to meet a star,"

the monument which "We the people of the United States" have uplifted to his memory. It is a fitting monument, more fitting than any statue. For his image could only display him in some one phase of his varied character. So art has fitly typified his exalted life in yon plain, lofty shaft. Such is his greatness, that only by a symbol could it be represented. As Justice must be

blind in order to be whole in contemplation, so History must be silent that by this mighty sign she may disclose the amplitude of her story. . . .

It has seemed fitting to you, Mr. Chairman and gentlemen of the commission, that a citizen of the State which was the birthplace and the home of Washington; whose House of Burgesses, of which he was a member, made the first burst of opposition against the Stamp Act, although less pecuniarily interested therein than their New England brethren, and was the first representative body to recommend a general congress of the Colonies; of the State whose Mason drew that Bill of Rights which has been called the Magna Charta of America; whose Jefferson wrote, whose Richard Henry Lee moved, the Declaration that those Colonies be "free and independent States"; whose Henry condensed the Revolution into the electric sentence, "Liberty or death"; of the State which cemented union with the vast territorial dowry out of which five States have been carved, having now here some ninety Representatives; of that State whose Madison was named "the Father of the Constitution," and whose Marshall became its most eminent expounder; of the State which holds within its bosom the sacred ashes of Washington, and cherishes not less the principles which once kindled them with fires of Heaven descended — it has seemed fitting to you, gentlemen, that a citizen of that State should also be invited to deliver an address on this occasion.

Would with all my heart that a worthier one had been your choice. Too highly do I esteem the position in which you place me to feel aught but solemn distrustfulness and apprehension. And who, indeed, might not shrink from such a theatre when a Winthrop's eloquence still thrilled all hearts, with Washington the theme?

Yet, in Virginia's name I thank you for the honor done her. She deserved it. Times there are when even hardihood is virtue; and to such virtue alone do I lay claim in venturing to abide your choice to be her spokesman. . . .

No sum could now be made of Washington's character that did not exhaust language of its tributes and repeat virtue by all her names. No sum could be made of his achievements that did not unfold the history of his country and its institutions — the history of his age and its progress — the history of man and his destiny to be free. But, whether character or achievement be

regarded, the riches before us only expose the poverty of praise. So clear was he in his great office that no ideal of the leader or ruler can be formed that does not shrink by the side of the reality. And so has he impressed himself upon the minds of men, that no man can justly aspire to be the chief of a great free people who does not adopt his principles and emulate his example. We look with amazement on such eccentric characters as Alexander, Cæsar, Cromwell, Frederick, and Napoleon, but when Washington's face rises before us, instinctively mankind exclaims: "This is the man for nations to trust and reverence, and for rulers to follow."

Drawing his sword from patriotic impulse, without ambition and without malice, he wielded it without vindictiveness and sheathed it without reproach. All that humanity could conceive he did to suppress the cruelties of war and soothe its sorrows. He never struck a coward's blow. To him age, infancy, and helplessness were ever sacred. He tolerated no extremity unless to curb the excesses of his enemy, and he never poisoned the sting of defeat by the exultation of the conqueror.

Peace he welcomed as a heaven-sent herald of friendship; and no country has given him greater honor than that which he defeated; for England has been glad to claim him as the scion of her blood, and proud, like our sister American States, to divide with Virginia the honor of producing him.

Fascinated by the perfection of the man, we are loath to break the mirror of admiration into the fragments of analysis. But, lo! as we attempt it, every fragment becomes the miniature of such sublimity and beauty that the destructive hand can only multiply the forms of immortality.

Grand and manifold as were its phases, there is yet no difficulty in understanding the character of Washington. He was no Veiled Prophet. He never acted a part. Simple, natural, and unaffected, his life lies before us — a fair and open manuscript. He disdained the arts which wrap power in mystery in order to magnify it. He practiced the profound diplomacy of truthful speech — the consummate tact of direct attention. Looking over to the All-Wise Disposer of events, he relied on that Providence which helps men by giving them high hearts and hopes to help themselves with the means which their Creator has put at their service. There was no infirmity in his conduct over which charity must fling its veil; no taint of selfishness

from which purity averts her gaze; no dark recess of intrigue that must be lit up with colored panegyric; no subterranean passage to be trod in trembling lest there be stirred the ghost of a buried crime.

A true son of nature was George Washington — of nature in her brightest intelligence and noblest mold; and the difficulty, if such there be in comprehending him, is only that of reviewing from a single standpoint the vast procession of those civil and military achievements which filled nearly half a century of his life, and in realizing the magnitude of those qualities which were requisite to their performance — the difficulty of fashioning in our minds a pedestal broad enough to bear the towering figure, whose greatness is diminished by nothing but the perfection of its proportions. If his exterior — in calm, grave, and resolute repose — ever impressed the casual observer as austere and cold, it was only because he did not reflect that no great heart like his could have lived unbroken unless bound by iron nerves in an iron frame. The Commander of Armies, the Chief of a People, the Hope of Nations could not wear his heart upon his sleeve; and yet his sternest will could not conceal its high and warm pulsations. Under the enemy's guns at Boston he did not forget to instruct his agent to administer generously of charity to his needy neighbors at home. The sufferings of women and children, thrown adrift by war, and of his bleeding comrades, pierced his soul. And the moist eye and trembling voice with which he bade farewell to his veterans bespoke the underlying tenderness of his nature, even as the storm-wind makes music in its undertones.

Disinterested patriot, he would receive no pay for his military services. Refusing gifts, he was glad to guide the benefaction of a grateful State to educate the children of his fallen braves in the institution at Lexington which yet bears his name. Without any of the blemishes that mark the tyrant, he appealed so loftily to the virtuous elements in man, that he almost created the qualities of which his country needed the exercise; and yet he was so magnanimous and forbearing to the weaknesses of others, that he often obliterated the vices of which he feared the consequence. But his virtue was more than this. It was of that daring, intrepid kind that, seizing principle with a giant's grasp, assumes responsibility at any hazard, suffers sacrifice without pretense of martyrdom, bears calumny without reply, imposes

superior will and understanding on all around it, capitulates to no unworthy triumph, but must carry all things at the point of clear and blameless conscience. Scorning all manner of meanness and cowardice, his bursts of wrath at their exhibition heighten our admiration for the noble passions which were kindled by the aspirations and exigencies of virtue.

Invested with the powers of a Dictator, the country bestowing them felt no distrust of his integrity; he, receiving them, gave assurance that, as the sword was the last resort of Liberty, so it should be the first thing laid aside when Liberty was won. And keeping the faith in all things, he left mankind bewildered with the splendid problem whether to admire him most for what he was or what he would not be. Over and above all his virtues was the matchless manhood of personal honor, to which Confidence gave in safety the key of every treasure — on which Temptation dared not smile, on which Suspicion never cast a frown. And why prolong the catalogue? "If you are presented with medals of Cæsar, of Trajan, or Alexander, on examining their features you are still led to ask what was their stature and the forms of their persons; but if you discover in a heap of ruin the head or the limb of an antique Apollo, be not curious about the other parts, but rest assured that they were all comformable to those of a god." . . .

There can, indeed, be no right conception of Washington that does not accord him a great and extraordinary genius. I will not say he could have produced a play of Shakespeare or a poem of Milton; handled with Kant the tangled skin of metaphysics; probed the secrecies of mind and matter with Bacon; constructed a railroad or an engine like Stephenson; wooed the electric spark from heaven to earth with Franklin, or walked with Newton the pathways of the spheres. But if his genius were of a different order, it was of as rare and high an order. It dealt with man in the concrete — with his vast concerns of business stretching over a continent and projected into the ages; with his seething passions; with his marvelous exertions of mind, body, and spirit to be free. He knew the materials he dealt with by intuitive perception of the heart of man; by experience and observation of his aspirations and his powers; by reflection upon his complex relations, rights, and duties as a social being. He knew just where between men and States to erect the monumental mark to divide just reverence for authority from just resistance to its

abuse. A poet of social facts, he interpreted by his deeds the harmonies of justice. . . .

"Rome to America" is the eloquent inscription on one stone of your colossal shaft — taken from the ancient Temple of Peace that once stood hard by the Palace of the Cæsars. Uprisen from the sea of Revolution, fabricated from the ruins of battered Bastiles, and dismantled palaces of unrighteous, unhallowed power, stood forth now the Republic of republics, the Nation of nations, the Constitution of constitutions, to which all lands and times and tongues had contributed of their wisdom, and the priestess of Liberty was in her holy temple.

When Marathon had been fought and Greece kept free, each of the victorious generals voted himself to be first in honor, but all agreed that Miltiades was second. When the most memorable struggle for the rights of human nature of which time holds record was thus happily concluded in the muniment of their preservation, whoever else was second unanimous acclaim declared that Washington was first. Nor in that struggle alone does he stand foremost. In the name of the people of the United States, their President, their Senators, their Representatives, and their Judges do crown to-day with the grandest crown that veneration has ever lifted to the brow of glory him whom Virginia gave to America, whom America has given to the world and to the ages, and whom mankind with universal suffrage has proclaimed the foremost of the founders of empire in the first degree of greatness; whom liberty herself has anointed as the first citizen in the great Republic of Humanity.

Encompassed by the inviolate seas stands to-day the American Republic which he founded — a freer, Greater Britain — uplifted above the powers and principalities of the earth, even as his monument is uplifted over roof and dome and spire of the multitudinous city.

Long live the Republic of Washington! Respected by mankind, beloved of all its sons, long may it be the asylum of the poor and oppressed of all lands and religions — long may it be the citadel of that liberty which writes beneath the eagle's folded wings, "We will sell to no man, we will deny to no man, right and justice."

Long live the United States of America! Filled with the free, magnanimous spirit, crowned by the wisdom, blessed by the moderation, hovered over by the guardian angel of Washington's

example, may they be ever worthy in all things to be defended by the blood of the brave who know the rights of man and shrink not from their assertion; may they be each a column, and all together, under the Constitution, a perpetual Temple of Peace, unshadowed by a Cæsar's palace, at whose altar may freely commune all who seek the union of liberty and brotherhood.

Long live our country! Oh, long through the undying ages may it stand, far removed in fact as in space from the Old World's feuds and follies, alone in its grandeur and its glory, itself the immortal monument of him whom Providence commissioned to teach man the power of truth and to prove to the nations that their redeemer liveth.

WAS JEFFERSON DAVIS A TRAITOR?

(From the Oration on the Death of Jefferson Davis Delivered Before the General Assembly of Virginia, January 25th, 1890)

WHAT are the unities of our race? They are: First, aversion to human bondage; second, race integrity; third, thirst for power and broad empire; fourth, love of confederated union; fifth, assertion of local liberty, if possible, within the bounds of geographical and governmental union; sixth, but assertion of local liberty and individual right under all circumstances, at all times, and at any cost. These traits are so strong as to be the natural laws of the race. One or another of them has lost its balance in the conflict between interest and instinct, but only to reappear with renewed vigor when the suppressing circumstances were removed; and he who follows their operation will hold the key to the ascendency of Anglo-Saxon character, and to its wonderful success in grasping imperial domains and crowning freedom as their sovereign.

It will not do to dispute the existence of these natural laws of race, because they have been time and again overruled by greed, by ambition, or by the overwhelming influence of alien or hostile forces. As well dispute the courage of the race because now and then a division of its troops have become demoralized and broken in battle. Through the force of these laws this race has gone around the globe with bugles and swords, and banners and hymn books, and schoolbooks and constitutions, and codes and courts, striking down old-time dynasties to ordain free

principles; sweeping away barbaric and savage races that their own seed might be planted in fruitful lands; disdaining miscegenation with inferior races, which corrupts the blood and degenerates the physical, mental, and moral nature; widening the boundaries of their landed possessions, parceling them out in municipal subdivisions, and then establishing the maximum of local and individual privilege consistent with the common defense and general welfare of their grand aggregations; and then again rising in the supreme sovereignty of unfearing manhood against the oppressions of the tax-gatherer and the sword, recasting their institutions, flinging rulers from their high places, wrenching government by the mailed hand into consistency with their happiness and safety, and proclaiming above all the faith of Jefferson —"that liberty is the gift of God."

I shall maintain that the Southern people have been as true to these instincts as any portion of their race, and have made for them as great sacrifices; that the Southern Confederacy grew out of them, and only in a subsidiary degree in antagonism to any one of them; and I shall also maintain that Jefferson Davis is entitled to stand in the pantheon of the world's great men on a pedestal not less high than those erected for the images of Hampden, Sidney, Cromwell, Burke, and Chatham, of the Fatherland, and Washington and Hamilton, Jefferson and Adams, Madison and Franklin, of the New World, who, however varying in circumstances or in personality, were liberty-leaders and representatives of great peoples, great ideas, and great deeds.

On what ground will he be challenged? Did not the Southern folk show originally an aversion to slavery more manifestly even than those of the North? South Carolina protested against it as early as 1727, and as late as 1760. Georgia prohibited it by law. Virginia sternly set her face against it and levied a tax of ten dollars per head on every negro to prevent it. They were all overridden by the avarice of English merchants and the despotism of English ministers. "Do as you would be done by" is not yet the maxim of our race, which will push off on its weaker brethren what it will not itself accept; and thus slavery was thrust on the South; an uninvited — aye, a forbidden guest. Quickly did the South stop the slave trade. Though the Constitution forbade the Congress to prohibit it prior to 1808, when that year came every Southern State had itself prohibited it, Virginia leading the list. When Jefferson Davis was born it was gone alto-

gether save in one State, South Carolina, where it had been revived under combination between large planters of the South and ship owners and slave traders of the north.

Fine exhibition, too, was that of unselfish Southern patriotism when in 1787 by Southern votes and Virginia's generosity, and under Jefferson's lead, the great Northwestern Territory was given to the Union and to freedom.

But the South yielded to slavery, we are told. Yes; but did not all America do likewise? Do we not know that the Pilgrim Fathers enslaved both the Indian and African race, swapping young Indians for the more docile blacks, lest the red slave might escape to his native forest?

Listen to this appeal to Governor Winthrop: "Mr. Endicott and myself salute you in the Lord Jesus. We have heard of a division of women and children and would be glad of a share — viz., a young woman or a girl and a boy if you think good."

Do we not hear Winthrop himself recount how the Pequods were taken "through the Lord's great mercy, of whom the males were sent to Bermuda and the females distributed through the Bay towns to be employed as domestic servants"? Did not the prisoners of King Philip's War suffer a similar fate? Is it not written that when one hundred and fifty Indians came voluntarily into the Plymouth garrison they were all sold into captivity beyond the seas? Did not Downing declare to Winthrop: "If upon a just war the Lord should deliver them [the Narragansetts], we might easily have men, women, and children enough to exchange for Moors, which will be more gainful pillage to us than we can conceive, for I do not see how we can thrive until we get in a stock of slaves sufficient to do all our business"? Were not choice parcels of negro boys and girls consigned to Boston from the Indies and advertised and sold at auction until after independence was declared? Was not the first slave ship in America fitted out by the Pilgrim colony? Was not the first statute establishing slavery enacted in Massachusetts in 1641, with a certain comic comprehensiveness providing that there should "never be any bond slavery unless it be of captives taken in just war, or of such as willingly sold themselves or were sold to them"? Did not the united colonies of New England constitute the first American confederacy that recognized slavery; and was not the first fugitive slave law originated at their bidding?

All this is true. Speak slowly then, O man of the North, against the Southern slave owners, or the Southern chief, lest you cast down the images of your ancestors and their spirits rise to rebuke you for treading harshly on their graves. On days of public festival when you hold them up as patterns of patriotism, take care lest you be accused of passing the counterfeit coin of praise. Disturb not too rudely the memories of the men who defended slavery; say naught of moral obliquity lest the venererable images of Winthrop and Endicott be torn from the historic pages of the Pilgrim Land, and the fathers of Plymouth Rock be cast into outer darkness.

When Independence was declared at Philadelphia in 1776, America was yet a unit in the possession of slaves, and when the Constitution of 1787 was ordained, the institution still existed in every one of the thirteen States save Massachusetts only. True its decay had begun where it was no longer profitable, but every State united in its recognition in the federal compact, and the very fabric of our representative government was built upon it, as three-fifths of the slaves were counted in the basis of representation in the Congress of the United States, and property in it was protected by rigid provisions regarding the rendition of fugitive slaves escaping from one State to another.

Thus embodied in the Constitution, thus interwoven with the very integuments of our political system, thus sustained by the oath to support the Constitution, executed by every public servant and by the decisions of the supreme tribunals, slavery was ratified by the unanimous voice of the nation, and was consecrated as an American institution and as a vested right by the most solemn pledge and sanction that man can give.

Deny to Jefferson Davis entry to the Temple of Fame because he defended it? Cast out of it first the fathers of the Republic. Brand with the mark of condemnation the whole people from whom he inherited the obligation, and by whom was imposed upon him the oath to support their deed. America must prostrate herself in sackcloth and ashes, repent her history, and revile her creators and her being ere she can call recreant the man of 1861 who defended the heritage and promise of a nation.

There is a statue in Washington city of him who uttered the words, "Charity to all, malice to none," and he is represented in the act of breaking the manacles of a slave.

Suppose there were carved on its pedestal the words: "Do the Southern people really entertain fears that a Republican administration would directly or indirectly interfere with the slaves, or with them about their slaves?

"The South would be in no more danger in this respect than it was in the days of Washington."

This was his utterance December 22d, 1860, after South Carolina had seceded.

Carve again:—

"I have no purpose directly or indirectly to interfere with the institution of slavery in the States where it now exists. I believe I have no lawful right to do so, and I have no inclination to do so." These are the words of his Inaugural Address, March 4th, 1861.

Carve yet again:—

"*Resolved*, That this war is not waged upon our part with any purpose of overthrowing or interfering with the rights or established institutions of these States, but to defend and maintain the supremacy of the Constitution and to preserve the Union."

This resolution Congress passed (and he signed it) after the first battle of Manassas.

And yet once more:—

"I did not at any time say that I was in favor of negro suffrage. I declared against it. I am not in favor of negro citizenship."

This opinion he never changed.

These things show in the light of events—the Emancipation Proclamation, the Reconstruction Acts, the black suffrage, the anarchy that reigned—that the South read truly the signs of the irrepressible conflict.

They show further that by the right of revolution alone can Abraham Lincoln be defended in overthrowing the institution which he pledged himself to guard like Washington, and with it the Constitution which he had sworn "to defend and maintain." And if Jefferson Davis appealed to the sword and need the mantle of charity to cover him, where would Lincoln stand unless the right of revolution stretched that mantle wide, and a great people wrapped him in its mighty folds?

As time wore on, the homogeneous order of the American people changed. It was not conscience, but climate and soil,

which effected this change, or rather the instinct of aversion to bondage rose up in the North just in proportion as the temptation of interest subsided.

The inhospitable soil of New England repelled the pursuits of agriculture and compelled to those of commerce and the mechanic arts. In these the rude labor of the untutored African was unprofitable, and the harsh climate was uncongenial to the children of the Dark Continent translated from its burning suns to these frigid shores. Slavery there was an exotic; it did not pay and its roots soon decayed, like the roots of a tropic plant in the Arctic Zone.

In the fertile plantations of the sunny South there was employment for the unskilled labor of the African, and under its genial skies he found a fitting home. Hence, natural causes ejected him from the North and propelled him southward; and as the institution of slavery decayed in Northern latitudes, it thrived and prospered in the Southern clime.

The demand for labor in the North was rapidly supplied by new accessions of Europeans, and as the population increased their opinions were molded by the body of the society which absorbed and assimilated them as they came; while, on the other hand, the presence of masses of black men in the South, and the reliance upon them for labor, repelled in both social and economical aspects the European immigrants who eagerly sought for homes and employment in the New World. More than this, Northern manufacturers wanted high tariffs to secure high prices for their products in Southern markets, and Southern farmers wanted low tariffs that they might buy cheaply. Ere long it appeared that two opposing civilizations lay alongside of each other in the United States; and while the roof of a common government was over both of them, it covered a household divided against itself in the very structure of its domestic life, in the nature of its avocations, in the economies of its labor, and in the very tone of its thought and aspiration.

Revolution was in the air. An irrepressible conflict had arisen.

There were, indeed, two revolutions forming in the American Republic. The one was a Northern revolution against a Constitution which had become distasteful to its sentiments and unsuited to its needs. As the population of the east moved westward across the continent, the Southern emigrant to the new

territories wished to carry with him his household servants, while the Northerner saw in the negro a rival in the field of labor, which cheapened its fruits and degraded, as he conceived, its social status.

Thus broke out the strife which raged in the territories of Northern latitudes, and as it widened it assailed slavery in every form, and denounced as "a covenant with death and with hell" the Constitution which had guaranteed its existence. . . .

Consider these grave words, which are but freshly written in the life of Webster, by Henry Cabot Lodge, who is at this time a Republican representative in Congress from the city of Boston, Massachusetts.

"When the Constitution was adopted by the votes of States at Philadelphia, and accepted by votes of States in popular conventions, it was safe to say there was not a man in the country, from Washington and Hamilton on the one side, to George Clinton and George Mason on the other, who regarded the new system as anything but an experiment entered upon by the States, and from which each and every State had the right to peaceably withdraw — a right which was very likely to be exercised."

Recall the contemporary opinions of Northern publicists and leading journals. The New York Herald considered coercion out of the question. On the ninth of November, 1860, the New York Tribune, Horace Greeley being the editor, said: —

"If the cotton States shall decide that they can do better out of the Union than in it, we insist on letting them go in peace. The right to secede may be a revolutionary one, but it exists nevertheless, and we do not see how one party can have a right to do what another party has a right to prevent. We must ever resist the asserted right of any State to remain in the Union and nullify or defy the laws thereof; to withdraw from the Union is quite another matter."

This was precisely the creed of Jefferson Davis. . . .

The United States have been unified by natural laws, kindred to those which unified the South in secession, but greater because wider spread. Its physical constitution in 1861 answered to the Northern mind the written Constitution and the traditions of our origin to which the South appealed. The Mississippi River, the natural outlet of a newborn empire to the sea, was a greater interpreter to it than the opinions of states-

men who lived when the great new commonwealths were yet in the wilderness, and before the great Republic spanned the Father of Waters.

The river seeking its bed as it rolls oceanward pauses not to consider whose are the boundaries of the estates through which it flows. If a mountain barrier stand in way, it forms a lake until the accumulated waters break through the impeding wall or dash over it in impetuous torrents. So nations in their great movements seem to be swept out of the grooves defined by the laws of man, and are oftentimes propelled to destinies greater than those conjured in their dreams.

The rivalry, not the harmony of sections, won the empire of the Union; its physical constitution proved more powerful than its written one; in the absence of a judge all appealed to the jury of the sword. We belong to a high-handed race and understand the law of the sword, for the men of independence in 1776 and 1861 were of the same blood as those who in each case cried, "Disperse, ye rebels." And were I of the North I would prefer to avow that it made conquest by the high hand than coin the great strife that marshaled over three millions of soldiers into police-court technicalities and belittle a revolution continent-wide into the quelling of an insurrection, and the vicarious punishment of its leader. The greatest conqueror proclaims his naked deed.

As we are not of the North but of the South, and are now, like all Americans, both of and for the Union, bound up in its destinies, contributing to its support and seeking its welfare, I feel that as he was the hero in war who fought the bravest, so he is the hero now who puts the past in its truest light, does justice to all, and knows no foe but him who revives the hates of a bygone generation.

If we lost by war a Southern union of thirteen States, we have yet a common part in a continental union of forty-two, to which our fathers gave their blood, and upon which they shed their blessings; and a people who could survive four years of such experience as we had in 1861–65, can work out their own salvation on any spot of earth that God intended for man's habitation. We are, in fact, in our father's home, and it should be, as it is, our highest aim to develop its magnificent possibilities and make it the happiest dwelling place of the children of men.

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